

Mark P. Mears, legislative chairman; Austin Woman's Club, Austin Station, Chicago, by Mrs. J. Marc Fowler, president, and Mae A. Zimmerman, chairman resolutions; and River Forest Woman's Club, River Forest, Ill., urging the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4572. Also, petition of O. R. Henson and 13 others, of Quincy, Ill., urging the passage of the bill providing retirement of civil-service employees; to the Committee on Reform in the Civil Service.

4573. Also, petition of the Prairie Club of Chicago; L. F. Van Ness, of the Gardiner B. Van Ness Co., Chicago; Miss Mary E. Adkins, general secretary Young Woman's Christian Association, Rock Island, Ill.; and R. B. Mennie, Chicago, urging defeat of House bill 12466 and the amendment of the Federal water power act, so that it shall not apply to national parks and monuments; to the Committee on Water Power.

4574. Also, petition of the American Bankers' Association, by Mr. L. D. Woodworth, protesting against tax exemption; to the Committee on Ways and Means.

## SENATE.

FRIDAY, December 17, 1920.

(Legislative day of Thursday, December 16, 1920.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harrison	New	Spencer
Beckham	Heflin	Overman	Stanley
Brandeggee	Henderson	Page	Sterling
Capper	Hitchcock	Phipps	Sutherland
Chamberlain	Kendrick	Pittman	Thomas
Colt	Kenyon	Polindexter	Townsend
Cullbertson	Keyes	Pomerene	Trammell
Dillingham	Kirby	Ransdell	Walsh, Mass.
France	Knox	Robinson	Warren
Frelinghuysen	McCumber	Sheppard	Watson
Gerry	McKellar	Simmons	Wolcott
Gronna	McLean	Smith, Ga.	
Hale	McNary	Smith, S. C.	
Harris	Moses	Smoot	

Mr. SMOOT. I desire to announce the absence of the Senator from Montana [Mr. WALSH], the Senator from Minnesota [Mr. NELSON], the Senator from Kansas [Mr. CURTIS], and the Senator from Maine [Mr. FERNALD], who are in attendance upon a committee meeting.

Mr. HARRISON. I wish to announce the unavoidable absence of the Senator from Arizona [Mr. ASHURST], and also the absence of the Senator from South Dakota [Mr. JOHNSON] on account of illness.

The VICE PRESIDENT. Fifty-three Senators have answered to their names. There is a quorum present.

### DOCUMENTS IN DEPARTMENT OF INTERIOR.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Department of the Interior, transmitting, pursuant to law, a statement showing documents received and distributed during the fiscal year 1920, which was referred to the Committee on Printing.

### CREDENTIALS.

The VICE PRESIDENT laid before the Senate a certificate of the governor of Pennsylvania certifying to the election of BOIES PENROSE as a Senator from that State for the term of six years, beginning March 4, 1921, which was read and ordered to be filed, as follows:

IN THE NAME AND BY AUTHORITY OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
Executive Department.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 2d day of November, 1920, BOIES PENROSE was duly chosen by the qualified electors of the Commonwealth of Pennsylvania a Senator from said Commonwealth to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1921.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed, at the city of Harrisburg, this 7th day of December, in the year of our Lord 1920, and of the Commonwealth the one hundred and forty-fifth.

[SEAL.]  
By the governor:

WM. C. SPROUL,  
Cyrus E. Woods,  
Secretary of the Commonwealth.

### PETITIONS AND MEMORIALS.

Mr. McLEAN presented petitions of the Wethersfield Foreign Missionary Society and Woman's Christian Temperance Union, of Wethersfield; sundry citizens of Romford; sundry citizens of Ridgefield; and sundry citizens of Suffield, West Haven, and Connecticut, all in the State of Connecticut, praying for the enactment of legislation for the public protection of maternity and infancy, which were ordered to lie on the table.

He also presented a memorial of Westport Teachers' League, of Westport, Conn., remonstrating against the enactment of legislation commercializing national parks for power plants and other purposes, which was referred to the Committee on Commerce.

Mr. HALE presented a petition of the members of the Kennebec County Farm Bureau, of Augusta, Me., praying for the passage of the so-called French-Capper truth in fabric bill, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of members of the Institute Jacques-Cartier Society, of Lewiston, Me., remonstrating against the enactment of legislation to create a department of education, and for other purposes, which was referred to the Committee on Education and Labor.

Mr. HARRIS presented a memorial of the Carpenters Local Union No. 1927, of Atlanta, Ga., remonstrating against the enactment of legislation repealing the Chinese exclusion act, which was referred to the Committee on Immigration.

He also presented a resolution adopted at the annual convention of the Episcopal Church in the Diocese of Georgia, in favor of the enactment of legislation establishing a Federal censorship of motion-picture films, which was referred to the Committee on Education and Labor.

Mr. PAGE presented a petition of the women of the Autonoee Club, of St. Albans, Vt., praying for the enactment of legislation for the protection of maternity and infancy, which was ordered to lie on the table.

### COPPER RIVER & NORTHWESTERN RAILWAY CO.

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (S. 551) for the relief of the Copper River & Northwestern Railway Co., reported it without amendment and submitted a report (No. 668) thereon.

### JOINT COMMITTEE ON NAVAL BASES.

Mr. BALL. I ask unanimous consent to report from the Committee on Naval Affairs a joint resolution extending until January 31, 1921, the time within which the special joint committee created by the naval appropriation act approved June 4, 1920, is required to make its report to the Congress of the United States, and I ask for its immediate consideration.

Mr. SHEPPARD. The consideration of this measure will not interfere with the pendency of Senate bill 3259?

The VICE PRESIDENT. The Chair understands that the time has expired to make a report and it is simply a request that it be extended to the 31st day of January. If there is no objection, it will be passed in a moment.

Mr. SHEPPARD. Very well.

The joint resolution (S. J. Res. 227) extending the time within which the special joint committee appointed to investigate the advisability of establishing certain naval, aviation, and submarine bases in the United States is required to make its report to Congress was read the first time by its title, the second time at length, and considered as in Committee of the Whole, as follows:

*Resolved, etc.*, That the time within which the special joint committee to investigate the advisability of establishing a naval base on San Francisco Bay; a deeper channel to Mare Island Navy Yard; an aviation base at Sand Point, Wash.; submarine bases at Los Angeles, Calif., and Port Angeles, Wash., which was created by the act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1921, and for other purposes," approved June 4, 1920, is required to submit its report to the Congress of the United States, is extended to January 31, 1921.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4662) granting a pension to Matilda Lucas; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4663) granting an increase of pension to Fred F. Harris (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4664) to amend the first paragraph of section 20 of the act of Congress approved July 17, 1916, known as the Federal farm-loan act, as amended by the act of Congress approved April 20, 1920; to the Committee on Banking and Currency.

By Mr. HITCHCOCK:

A bill (S. 4665) to amend section 7 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. SMITH of Georgia:

A bill (S. 4666) to amend section 13 of an act known as the Federal reserve act, approved December 23, 1913; to the Committee on Banking and Currency.

By Mr. ROBINSON:

A bill (S. 4667) granting certain lands in Hot Springs, Ark., to the Leo N. Levi Memorial Hospital Association; to the Committee on Public Lands.

By Mr. KNOX (for Mr. PENROSE):

A bill (S. 4668) for the relief of Cecilia Barr; to the Committee on Claims.

A bill (S. 4669) for the retirement of certain emergency officers of the Army; to the Committee on Military Affairs.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 1865) for the relief of the Baltimore Dry Dock & Ship Building Co., owner of a dry dock at Baltimore, Md.

The message also announced that the House insists upon its amendments to the bill (S. 643) to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia, disagreed to by the Senate, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. McKENZIE, and Mr. FIELDS managers at the conference on the part of the House.

#### ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the joint resolution (S. J. Res. 191) to create a Joint Committee on the Reorganization of the Administrative Branch of the Government, and it was thereupon signed by the Vice President.

#### PROTECTION OF MATERNITY AND INFANCY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3259) for the public protection of maternity and infancy and providing a method of cooperation between the Government of the United States and the several States.

Mr. WARREN. Mr. President, as I understand, when we recessed last night we were considering the so-called Sheppard-Towner bill. If I am right about that, I wish to say that I rise with no small degree of pain, and certainly with no degree of pleasure, in opposition to the passage of the bill at this time in the form in which it is written, for many reasons, but mainly because of the condition of the Treasury.

I feel that the Treasury of the United States needs friends now if it ever did, if this Nation is to remain solvent. I feel it incumbent upon me in performing the duties that devolve upon me with which I have been honored by the Senate to say that in my opinion we are going to be without credit in this Nation, our bonds are going much lower, and we are going to have to pay larger interest upon these certificates of indebtedness than is now being paid, to wit, 6 per cent, unless we are able to retrench very sharply and not branch out in any new lines, no matter how desirable they may be under ordinary circumstances.

The condition of the Treasury is something like this: During the war of course it was easy to obtain funds, because every patriotic, loyal citizen was anxious to support the Government in protecting its honor and credit as well, at home and abroad. They subscribed for funds readily at a low rate of interest, many of them—in fact, I might say almost the majority of them—being compelled to borrow money—I say “compelled” to borrow money, but I would better say that they chose to borrow it—in order to buy the bonds. They have since had to call upon the banks to relieve them, to take the bonds from time to time at a reduction of from 5 to 17 per cent. They have had to dispose of many of them to pay their Government taxes. If you go to New York, or even in this city, or in most any other place, you will find the last payment of taxes, made two days since, was quite largely made by those who had no other funds available and who had to sell their bonds.

In giving in an extemporaneous effort, to quote exact figures down to dollars and cents, is tedious to both speaker and hearers, so I shall deal with round numbers.

During a part of the war period we had almost \$30,000,000,000 of indebtedness, perhaps sometimes more. We had nearly \$4,000,000,000 of certificates at the highest tide. We have now \$24,000,000,000 of funded debt and something over three and one-half billion dollars of floating debt. On that floating debt we are paying largely 6 per cent, which is two or three times as much as we paid immediately after the passage of the bill authorizing the sale of certificates in peace times. When we had occasion to borrow some money we could then borrow it at 2 and 3 per cent upon the certificates.

The Government is now in a position that we all would think unsound for a business man who was borrowing from day to day on the street, selling his paper where he might. The Government now from month to month is appealing to citizens and to bankers to buy these certificates, that it may buy up others.

We had a prosperous year in 1919; nearly everyone engaged in business then made money. Hence when they made their returns for taxation they made liberal returns, and the tax to be collected for 1919 was ample to meet expectations. That, with the help of temporary borrowings, which are being replaced from time to time, has carried us through; but I think every Senator in this body knows that 1920 has not been altogether a prosperous year. It certainly is not expected that thousands and tens of thousands, it might be said millions, who in 1919 reported an ability to pay taxes, and who actually paid considerable amounts, are going to be able for the year 1920 to report more than an even break, and most of them will have to report losses.

I know very well from the information which comes from various directions, particularly as it has come before the Senate since we have assembled, that the live-stock men, the growers of wheat, cotton, corn, and, in fact, the farmers as a class, will lose money, and much money, on the present year's production. Consequently there is no tax to be expected from them.

The Secretary of the Treasury has sent us the regular estimates, excepting, of course, the deficiencies and miscellaneous, which, as we know from information which comes from the departments and otherwise, are going to be huge, and excepting, of course, all such appropriations as this bill and other special bills may carry. Under the regular estimates which we have here the amount called for is \$4,653,856,000. There will have to be added to that half a billion dollars, more or less, for contingencies and for miscellaneous expenditures in the regular lines of governmental business. We know that we can not find funds enough to cover a sum near this five billion or more to be asked for without raising the present rate of taxation, and we must greatly reduce amounts to be appropriated or else increase our present load of United States indebtedness.

This pending bill proposes to create another division or bureau. The bill carries, it is true, for the current year an appropriation for expenses of less than a half million dollars, or \$480,000 to be exact, that still being a very large sum. It does, however, provide for very much larger appropriations for the succeeding years, as follows:

For the fiscal year ending June 30, 1921, an additional sum of \$2,000,000; for the fiscal year ending June 30, 1922, the sum of \$2,400,000; for the fiscal year ending June 30, 1923, the sum of \$2,800,000; for the fiscal year ending June 30, 1924, the sum of \$3,200,000; for the fiscal year ending June 30, 1925, the sum of \$3,600,000; for the fiscal year ending June 30, 1926, the sum of \$4,000,000; and annually thereafter the sum of \$4,000,000.

Passing for a moment the illogical and unsafe method of making appropriations which this bill proposes, by virtue of its attempt to mortgage the future, no matter whether it rains or shines, it is starting us out in a new direction, with big appropriations to continue to the end of time.

I want to ask the Senate not to pass the bill at this time in its present form. I suggest that the bill ought to be committed, in a safe and sane way, to the joint committee which the Senate and the House have provided for, which is to be appointed by the Vice President and the Speaker of the House of Representatives, and which is to study the question of a reorganization of the several branches of the Government, in order to make the best use which we can of the money we appropriate, and to prevent the lapping over of one governmental service with another.

Take the matter at issue. The \$480,000 which the bill proposes to appropriate, of course, is to set up an establishment here in the city of Washington, to employ many clerks and others, with no intention, of course, of accomplishing any



especial benefit elsewhere until we shall have appropriated very much larger sums.

Bearing upon a subject analogous to this, a few years ago we established a Children's Bureau. If I remember correctly—and I paid particular attention to it, because it created a new bureau in the governmental service—the able Senator who was the proponent of the legislation or who had charge of it during the discussion established the fact that it would cost but \$25,000 a year; and he very eloquently gave us a statement of the benefits that would accrue from the enactment of the bill.

Now I ask Senators to observe where that legislation has carried us in the line of appropriations and requests for future appropriations up to this date. Those of us who voted for the measure started with the understanding that it would cost only \$25,000 a year, but for the present fiscal year we have appropriated \$271,040. The sum of \$106,040 of that appropriation goes for salaries of a bureau which we established on a basis of a total cost of \$25,000 a year. Think of it! For the regular salaries alone this year we have appropriated—and the appropriation will be expended—\$106,040. Then under the head of general expenses there is an appropriation of \$85,000, which is largely, of course, expended here. Some of that undoubtedly is for temporary labor.

Now we come to an appropriation which, if the pending bill shall be passed, will involve overlapping. The appropriation for the investigation of child welfare, in addition to the other appropriations, is \$80,000. In God's name, if we are expending \$80,000 for investigating child welfare, are we not mindful of the matter of maternity and the care of the infants?

It will be remembered that last year the other House took great and deserved credit for cutting down the appropriation which had been determined on in an earlier bill, but which failed of passage. Before the original bill became a law we adjourned, and the proposed appropriations were cut down in the regular annual appropriation bill which followed; but even then we gave this bureau \$271,000.

What are the estimates for the Children's Bureau for this year? They are \$654,260, all for the Children's Bureau. They ask an appropriation of \$107,140 for salaries. They also ask for general expenses an appropriation of \$164,250—nearly double what they previously asked—and they also ask for the investigation of child welfare \$382,770.

Do they exclude the consideration of matters affecting maternity when they are asking for an appropriation of \$382,770 for infant care, and so forth? However, Mr. President, that is not enough.

Mr. SIMMONS. Mr. President, I should like to ask the Senator who determines the number of employees of that bureau?

Mr. WARREN. Largely the bureau itself.

Mr. SIMMONS. Are they authorized by the law to do that?

Mr. WARREN. The Senator from North Carolina, I think, is conversant with the law and the situation. The Children's Bureau is under the Department of Labor.

Mr. SIMMONS. Does not the Appropriations Committee recommend appropriations for the salaries of the employees of the Children's Bureau?

Mr. WARREN. To some extent, yes; in the main, no.

Mr. SIMMONS. Does Congress make appropriations for those salaries in a lump sum?

Mr. WARREN. As a matter of law, as the Senator knows, the Appropriations Committee must report and recommend the appropriations.

Mr. SIMMONS. Is the appropriation in the form of a lump sum?

Mr. WARREN. It is largely in the form of a lump sum. We provide what the chief of the bureau shall receive and what some of the others shall receive.

Mr. SIMMONS. Could we not change the law so as to make the salaries statutory?

Mr. WARREN. That is a matter which perhaps is not at issue at the time, but undoubtedly we could do so. There is no question that all of them could be made statutory.

Mr. SIMMONS. I ask the Senator the question with the view of ascertaining if there is not some way by which the Appropriations Committee might eliminate part of that expenditure.

Mr. WARREN. That undoubtedly could be done; but I desire in the brief mention which I make of these matters merely to show what the committee has been required to do. I am willing to say that, as chairman of the Appropriations Committee of the Senate, I have been accused, perhaps on both sides of the Chamber, of too great liberality. I think that charge has been made oftener than the charge that I am penurious or that I have undertaken to cut down too greatly appropriations for any particular activity or department of the Government, and I confess

that, so far as my feelings are concerned, I always like to fall upon the most liberal side within the limits of consistency and safety for the Nation; but I submit that there comes a time when I can not abide my own conscience unless I bring to the attention of this body some of the items for which Congress is called upon to appropriate and to inquire where we are going to land unless we endeavor to coordinate and, as might be said, to reestablish certain governmental agencies. Take the estimate to which I have referred of \$654,260 for the Children's Bureau.

Mr. THOMAS. Mr. President, may I ask the Senator what the original appropriation was when the Children's Bureau was created?

Mr. WARREN. It was \$25,000 for all purposes.

Mr. THOMAS. And how long ago was that bureau created?

Mr. WARREN. I have not looked the matter up, but I should say it has been created within 10 years. Perhaps some Senator present may locate the date exactly.

Mr. THOMAS. Is it not the Senator's experience that nearly all of the bureaus and boards which we create for specific purposes increase their demands upon the Public Treasury?

Mr. WARREN. They do in every particular instance. Every last one of them does it.

Mr. THOMAS. So that, while the board proposed under the pending bill will start out with \$2,000,000 or some such amount, and while the bill authorizes appropriations for a series of years, the extreme of which is \$4,000,000 per annum, there is every probability that with each succeeding year the dimensions of the appropriation will increase.

Mr. WARREN. Our experience in every instance following the creation of a new department or a new bureau or a new governmental activity will prove the absolute correctness of the Senator's observation.

Mr. KING. Mr. President, will the Senator permit an observation?

Mr. WARREN. I yield.

Mr. KING. I think the Senator from Colorado underestimates the amount required by this bill. It starts out with an appropriation of \$2,480,000.

Mr. THOMAS. I used my figures largely for the purpose of an illustration. Of course, there is an appropriation for expenses of \$480,000 a year. Then we add for the first year \$2,000,000 more, and the last authorized appropriation is \$4,000,000, exclusive of the annual \$480,000.

Mr. KING. May I suggest to the Senator from Wyoming in connection with his consideration of this matter that there is now pending a bill offered by the Senator from Iowa [Mr. KENYON]—and that bill has the support, I am told, of the President elect, Senator HARDING—for the creation of a department of public welfare? It would seem to me, if such a department shall be organized, that the subject embraced in the pending bill will come naturally within the purview of that department. In view of the fact that there is to be a reorganization of these multitudinous bureaus and commissions and agencies and instrumentalities and departments of the Government, and in view of the fact that we are to have, if the program of the Republicans is to be carried out, as I understand that program, a department of public welfare, why would it not be the part of wisdom to relegate this matter to the future and consider it in connection with the question of the reorganization of the departments?

Mr. WARREN. Mr. President, the Senator's conclusion is one to which I can agree; but I think the Senators who have served with me here know that I have yet to make the first real political speech on this floor. I have tried to avoid introducing politics and political matters, except in an incidental way, in the consideration of appropriations; and I may say that in the Committee on Appropriations I do not suppose there is one word out of a million of the conversation and the testimony taken in the consideration of these bills that even slants at politics. Therefore, I do not wish to say I either indorse or repudiate what may be said by any person during the excitement of a campaign, or by any candidate, whether he be Republican or Democrat.

As to the proposed department of public welfare, I assume that the Senator alludes to the bill of the Senator from Iowa [Mr. KENYON] now present. I have not had the pleasure of discussing the subject with that Senator. I know that his intentions are of the best, and I believe—and I am only saying this from my knowledge of his understanding and good intentions—that he will expect that that subject will be considered by the joint committee which is to take up all of these matters and coordinate them.

I was about to proceed on that line, when a question was asked, to show the necessity of it.

Having put before you the matter of the \$654,200 that is required this year, \$382,770 of which is for investigation of child welfare, it might be well to say that that is asking for more than twice as much for next year as we have appropriated for the present year. That shows the exceeding interest that there is in the departments, and it shows that this estimate passed through the hands of the Secretary of the Treasury, notwithstanding the observations in his report about the necessity of economy, and so forth. I know that the desire of the Senate is to allow everything that is consistent and safe to such pursuits of human endeavor and human benefit as this bill contemplates; but to show what, in my opinion, should be coordinated, I want to call the attention of the Senate to the fact that this \$654,200 having been estimated, the Committee on Appropriations is powerless to prevent its being voted in here on the floor. The committee may decide that that is too large an estimate; in fact, they must cut some of the many estimates, unless we want to endanger bankruptcy of the Nation.

When we get on the floor with the appropriation bills there are certain, I might say, emotional subjects, certain things that touch our hearts rather than our heads, perhaps, and the committee is considered to be too penurious, and some Senator rises in his place and offers an amendment and states that the amount proposed to be appropriated is under the estimate. That places it beyond any point of order. It places it directly before the Senate for it to vote upon. How easy it is for every Senator to vote on the liberal side of something to which he has not given strict or special attention; and so, as I said before, we have got to look not only to what we have spent, or what we may bring in here in the way of bills, but what is possible to be placed upon each bill before it leaves the body, unless the brake is applied at the proper time and place; and I consider that the proper time and place is here, in Committee of the Whole, now, before the whole Senate.

Proceeding further: We passed a law—I have it here if anyone wishes to read it—last year to establish a Woman's Bureau. This is another branch, but certainly it is along the same lines. We appropriated to start it this year \$8,500 for the salaries of a director and a secretary. Now the estimate comes up for that bureau for \$92,500 for salaries, and also for miscellaneous purposes \$57,500. In other words, while the one above it that I read we more than double, we are asked now to raise this one from \$8,500 to \$150,000. That is more pardonable, because it is a very modest rise compared with some of the others, and we know that it is an institution of great benefit to humanity.

Of course, some of these recommendations come from the women, dear souls, and they come before us not only on our human side of life but as to the part that they are to take in the Government. I happen to live in a State that has had complete woman suffrage for 50 years. I have lived constantly in that State during that period and have voted in every election.

I have not been elected to this body a single time except where I had the support of women the same as men, for they were exactly equal as to suffrage under the laws of Wyoming. It is true that the legislature elected me in the earlier part of my service, as the general election has done since; but women elected the legislature and were sometimes a part of it. So that from every standpoint I should be, as I have been, the constant friend and advocate of women taking a full part in the management of this Government; and it pains me beyond expression that this, among other things, is a matter that it is desirable to halt where it is until those who are, as I might say—I do not want to use the word offensively—forcing us into some action upon this subject now can have the general situation of the Treasury brought before them.

The women of this country, with the men, have been and are patriotic. The women of this country want us to preserve the credit of the country. They do not want to see us go back to the time following the Civil War, when our currency was debased, when our bonds were worth 40 cents on the dollar, when we were, you might say, in the trough of the sea, from the Civil War up to, I think, 1878. Those of us who were in that struggle and who undertook to make their way again in their homes to positions which had closed behind them when they went to war know the difficulties, the privations, and the poverty that were involved. They know the thousands of men—and it worked out well in the long run—who were driven out to other States bordering on the Pacific and in the Great West, some on account of shame because they had to take smaller places, others because of the fact that they could do better there, and others simply from pride, feeling that if they were to starve to death they would rather their bones would be on the broad prairies than among their friends in their old homes.

This Woman's Bureau and this Children's Bureau and this new duty—for it is new as this bill proposes—of taking up this maternity matter all ought to be so coordinated that we will not be having money used from three distinct directions, and there will not be this piling and doubling up of money upon us, and especially not now, when, as I said before, the Treasury is pressed more than at any other date that I can remember since away back in the Civil War times, of which I have spoken. It seems to me that the least we can do is to ask the committee that we have provided for to take up all three of these matters and make them one powerful entity, one that can handle these matters economically and liberally, rather than to go on in the manner that we would under the proposals of this bill.

The House of Representatives, evidently wincing under the galls of these extra and overlapping appropriations, started, as you know, early last session and passed a budget bill. The Senate did the same thing. It met with defeat at the White House. It started again, passed the House, and then was halted here in the tumult of political activity, perhaps I should say, and did not pass. The House immediately provided that all of the bills making appropriations should go before one committee, and that committee was made larger and divided into subcommittees, so that the subcommittees are composed of those who know the affairs of the particular departments or angles that are delegated to them; but in that way it brings them all together finally before a body of men that keep track of all together, so that they may not be troubled in the way that they have been. And yet, having done that much, the House felt it necessary, and proceeded accordingly, to take up the joint committee bill which I have mentioned, which we passed late in the last session, and the House passed it—almost one of the first things—and it is now, I suppose, awaiting the proper signature.

But quite aside from this condition, which forces us to be careful in our expenditures, this kind of legislation is reprehensible. Why are we going to mortgage the future? Why do we undertake to so distribute what we expect in the way of an income over which we shall have no further control? When I say no further control, I know what might be said—that this authorizes but does not appropriate. But Senators who have served on the Appropriations Committee, as I have, and those who have not but who have observed, know very well that when we have passed a law authorizing a matter and have made an initial appropriation and started the machinery, immediately there is propaganda started, and God knows there would be no greater propaganda than in a case like this. Senators are always besought not only here but in their homes, in the streets and alleys, and everywhere, to carry into effect authorizations. It will be estimated for, so that it will be out of our control, except that we shall have the support of the Congress. If we are going to have the support of Congress to prevent things of that kind, now is the time, in a case like this, of all times, before you commit yourselves to that kind of legislation. It is an insidious way of crawling under the tent to see the show, rather than coming to the front and saying at once, "We want so many millions of dollars for this year to protect the health of this Nation."

What backing has the chairman or any member of the Appropriations Committee on this floor when, under our rules, the estimates have been made and sent up here, to prevent any Senator and all Senators from moving to put the whole thing through in mass or any portion of it? Then we have need to depend upon the votes of the Senate, and if the bills come up, as they usually do, in a busy time of the session, when Senators are called away from their luncheon, or from some interview in the Marble Room, and the question is up, we turn to the next man and say, "What is up?" He says, "I do not know," and you say "I will vote yes." And you have to vote against the Appropriations Committee anyway to get more rather than less. The consequence is you are going to load the Government with debt, and you might as well now, at this time, decide whether you are going to pay out these millions in the immediate future, while our condition is as it is; whether you are going to force down the securities of this country until they are kicked about as they are in some foreign countries. Are you going to force the Government in the next issue of certificates it puts out to go to 6½ or 7 per cent? Those are questions we have to decide, and we have to decide them no matter how much heartache it may cause.

The Secretary of the Treasury, who has been mindful of his duties, in his last report, which I have before me, says this, and I want Senators to pay particular attention to this:



## ADDITIONAL SOURCES OF REVENUE.

The loss of revenue which would result from the adoption of the preceding recommendations, together with the loss to result even under existing law from the shrinkage of business, would have to be made up from new sources. For the convenience of the committees of the Congress which will be directly responsible for tax revision, I set out below a number of new or additional taxes capable of yielding in the aggregate as much as \$2,000,000,000 a year. These estimates are based upon conditions in the midsummer of 1920, and changes in the future may affect the revenue yield of the taxes mentioned.

Source.	Tax rate.	Estimated additional yield for a 12-month period.
Normal income tax.....	Increase the 4 and 8 per cent rates to 6 and 12 per cent.	<sup>1</sup> \$150,940,000
Readjusted surtax rates.....	(?)	<sup>2</sup> 230,000,000
Corporation income tax.....	Additional 6 per cent.....	<sup>3</sup> 465,000,000
Do.....	Abolish \$2,000 exemption.....	58,000,000
Corporation undistributed profits tax:		
Increase in corporation income tax, estimated at \$190,000,000.	20 per cent.....	690,000,000
Additional revenue from the application of the surtax rates to dividends distributed by corporations to avoid the 20 per cent undistributed profits tax, estimated at \$500,000,000.	Individual surtax rate.....	
Stamp taxes, Title XI, act of 1918.	Double rates in subdivision 10 and quadruple rates in subdivisions 1-9, 11, and 12.	<sup>4</sup> 134,000,000
Federal license tax on use of automobiles.	50 cents per horsepower.....	100,000,000
Cigars.....	25 cents per 1,000 additional.....	5,000,000
Cigarettes, weighing not more than 3 pounds per 1,000.	\$2 per 1,000 additional.....	70,000,000
Tobacco and snuff.....	6 cents per pound additional.....	8,000,000
Gasoline.....	2 cents per gallon.....	90,000,000
Admissions to theaters.....	10 per cent additional.....	70,000,000
Increase rates on following articles specified in section 900 of the revenue act of 1918: Automobiles (other than automobile trucks and wagons) and motor cycles, including automobile and motor-cycle tires, inner tubes, parts, and accessories (subdivisions 2 and 3).	5 per cent additional.....	100,000,000
Musical instruments (subdivision 4).	.....do.....	13,000,000
Chewing gum (subdivision 5).....	7 per cent additional.....	2,000,000
Candy (subdivision 9).....	5 per cent additional.....	20,000,000
Toilet soap and toilet-soap powders (subdivision 21).	7 per cent additional.....	4,000,000
Jewelry and articles of precious metal (sec. 905, revenue act of 1918).	5 per cent additional.....	25,000,000
Motion-picture films (sec. 906, revenue act of 1918).	.....do.....	4,000,000
Perfumes, cosmetics, and medicinal articles, a tax upon the sale by the manufacturer, producer, or importer in lieu of the tax imposed under section 907, revenue act of 1918.	10 per cent.....	16,000,000

<sup>1</sup> It is estimated that an increase of the 4 and 8 per cent normal income-tax rates to 5 and 10 per cent, respectively, would yield during a 12-month period additional revenue amounting to \$75,470,000. It is also estimated that if only the 8 per cent normal income-tax rate is increased to 12 per cent, the additional revenue to be derived therefrom during a 12-month period would amount to \$103,090,000.

<sup>2</sup> The surtax rates, shown on page 45, it is estimated, would yield the same amount, \$900,000,000, as the present surtax rates. Inasmuch as the loss of revenue resulting from the abatement of surtaxes on saved or reinvested income has been estimated at \$230,000,000, only this amount has been included in the table of suggestions.

<sup>3</sup> It is estimated that an increase in the corporation income tax from 10 to 12 per cent would yield during a 12-month period an additional revenue of \$118,800,000.

<sup>4</sup> If the stamp taxes imposed by Title XI of the revenue act of 1918 were doubled the additional yield for a 12-month period would, it is estimated, be \$90,000,000.

The following surtax rates, limited to 20 per cent on saved or reinvested income, would yield, it is estimated, as much as the present surtax rates:

Incomes.	Surtax rates.	
	Saved income.	Remainder of income.
	Per cent.	Per cent.
\$5,000-\$6,000.....	2	2
\$6,000-\$8,000.....	5	5
\$8,000-\$10,000.....	10	10
\$10,000-\$15,000.....	12	12
\$15,000-\$20,000.....	15	15
\$20,000-\$30,000.....	20	20
\$30,000-\$40,000.....	20	25
\$40,000-\$50,000.....	20	30
\$50,000-\$75,000.....	20	35
\$75,000-\$100,000.....	20	40
Over \$100,000.....	20	50

These possible sources of revenue are mentioned for the information of the Congress. While I shall not attempt to discuss them in detail, attention should be called to the new or additional consumption taxes included. Reasons have been given for the belief that no valid objection exists against the employment of a moderate number of consumption taxes properly selected; but it would, in my opinion, be neither wise nor expedient to increase radically the volume of consumption taxation.

Now, Senators, when in July of this year the Secretary of the Treasury, working day and night, as they sometimes do in his department, and naturally not quite up to date in the different divisions of the country, can see a shortage of that amount, what kind of a shortage may we expect now, when the year is about to close, and we have had our attention called to losses which have occurred since July, and those which are to occur, in the various lines of business? When the products of the farmers, live stock men, and those who were stricken early, went from their upper story to the cellar and even to the sub-cellar in values—went down before either wages or materials or supplies were reduced—what followed, and what must follow? Of course, there must later follow less business for manufacturing, and indeed we know that manufacturing have been closed and are closing and have been closing ever since about May, wholly or in part.

When we come to the closing of this calendar year and the business men close their accounts, as they usually do, and develop the losses they have made and see the sliding scale which has affected them and affected others, they have to consider what they are going to do for the next year, to consider whether or not they had better reef sail, remain closed, and work perhaps part of their departments a part of the time; but the best they can hope for in nearly every instance is that they may get a new dollar for an old dollar, until, as they may say, the disorganization blows over. When we are going to be short this year, 1920, in income taxes, where are you going to get your money, unless you increase the taxes very greatly, for the coming fiscal year, 1922, for which the Congress is now appropriating?

Referring to the report of the Secretary of the Treasury, in which he suggests doubling and even more than doubling some of the present tax rates, I ask, Mr. President, that with my remarks may be printed the proposal of the Secretary of the Treasury, to which I have heretofore called attention, of a way in which the taxes might be increased in order to cover necessary expenses and also to decrease our indebtedness.

The present burden of taxes is a heavy one. No one loves taxes, local or national. During the war, when every bosom was stirred with loyalty to the Government, and the desire, at whatever cost, to protect her honor and her standing, it was easy to make the tax acceptable for the time being. But who among your correspondents, who among your constituents, ever expected that year after year the tax would have to continue as high as it was then? What Senator can say that any of the voters, that any of his constituents, are asking him to so vote on measures that taxes can not be reduced, and, worse yet, who can you expect to say, "We are ready to have them increased"?

It can be shown from the statements of the Treasury that during the last year we have paid a billion dollars of our debt, and I am sorry to have to make this statement, because I would rather say that we were getting out of debt very rapidly than otherwise, but during this last year in saving a billion dollars we sometimes failed to notice that we have sold hundreds of millions of dollars of war supplies, surplus supplies, which accounts, or did account in the last statement I saw, for seventy-odd millions more than what we are reputed to have saved; so that, as a matter of fact, in the legitimate expenses of the Government and the legitimate income, even under the prosperous year of 1919, we only remain at or nearly even, and we have not the same prospect of miscellaneous receipts for the future.

Here we are with this matter of these great estimates before us. Here we are with bills coming in to establish bureaus and departments, and you could not point to one bureau or department anywhere in the line of the business the Government has been doing that has not grown and grown fast.

I have given you two or three items of that kind. Let us take up just for a moment another instrumentality touching the human side again, through which we want to protect the health and good of the country. We have a Public Health Service for which we thought originally a half million dollars was a great deal of money. What is the condition now? We appropriated last year \$8,673,720. Let us see the expectation. The past growth I have not itemized as to years, but it has been extreme. But here is the estimate for this year, and I will say that every item in it is one which we can see the necessity for if we are going to follow down to the utmost nicety of the benefits. They

are asking for \$13,486,618. There is a rise of some \$5,000,000. Where are we going to land? Nobody can say that we can withdraw our support from the Public Health Service. But this does not cover the extreme expenditures and the great appropriations we have to make, if not for the Public Health Service proper, for the Public Health Service and the Vocational Education Board together, and the War Risk Insurance Bureau, which is along the same line, hundreds of millions of dollars in our main bills and hundreds of millions more in deficiencies. The sums have been fabulous. I do not undertake now to give the amount of the expenses, because I have not taken the time to amass it. But you know it has been thirty millions here and forty millions there and ninety-odd millions somewhere else, and all of this is going out as a result of the war.

The people were patriotic in the war, they supported the war, and they are not only willing now but anxious to support those who suffered by the war, and they are undertaking to place rightly all the soldiers who are sick or maimed.

We started in, for instance, with \$40 and \$60 as the very extreme pension, or compensation, I should say, for soldiers who were injured. We have raised that from time to time until it now stands at a hundred and a hundred and a quarter, outside of family allowances, which are provided otherwise; and we have appropriated for these services in the War Department bills and the other great appropriation bills.

Another reason why I have not figured those together is because we have not yet finished the year. We have the deficiency estimates yet to come, which, I regret to say, have not yet reached the House and Senate.

We not only have got to meet these certificates. The Government is a business concern. You and I go to the bank and borrow for three months or six months or a year, and we can not ask the bank to renew forever. We do not ask it. If we did ask it, our credit would be gone. We have to rustle the money to pay the debt when it becomes due, even though we may have to borrow more immediately at that bank or go to another bank and borrow, as the Government is doing, from one to pay the other.

It is true that the Government has the advantage of individuals in that it can go to the national banks and the Federal reserve banks and force them to take these certificates, you might say. In fact, no one of those banks would dare refuse to take them, and the Government therefore has that advantage. But what is the result of that? The Government absorbs the money that is in these banks and depositories that might be used to carry the farmers and the business men over this financial chasm which lies before some of them. Take, for instance, the live-stock business, where after this time of the year a man can not well secure money for anything he has to sell until the last of next summer, and he must, if he has not the money already in his possession, borrow to carry him over. There are millions of men in that condition who have to depend upon the banks to carry them over, and those banks must depend largely, under this very excellent law that we passed establishing Federal reserve banks, upon those banks to help them. But if the Government is going to continue to borrow as largely as it has been doing, we shall have just that much of frozen resources which can not be legislated out of existence.

Mr. President, I will not follow this matter further, because I think that I have at least shown wherein I feel, under the duty that I owe the Senate and the country, compelled to bring the danger of this kind of legislation before them. Before I take my seat, however, I wish to say that so long as I am permitted to occupy a place in the Senate, unless my mind shall change on this particular subject as it never has changed, I shall never support any bill which goes into the line of mortgaging the future where we have either got to repudiate, as you might say, our own paper and abrogate that legislation or be forced, whether we have the funds or not, into going to the open market and borrowing at whatever rate we may have to pay in order to meet what seems simple to-day, but what might in a crisis mean a very, very serious matter.

Mr. FRELINGHUYSEN. Mr. President, I wish to take the time of the Senate to explain for a few moments my position on the pending bill. I am under somewhat of an embarrassment in regard to the bill, because I have promised some of the people who were deeply interested in it to support it. I believe thoroughly in its principle. I believe that anything which will improve the condition of the public health of the country is, of course, meritorious. But I feel that under my constitutional oath of office I have no right to vote for any bill, however meritorious, when I know that the condition of the Public Treasury will not permit the expenditure of money for legislation of this character.

We are told at the present time that there is a deficit of \$1,200,000,000. The chairman of the Committee on Appropriations [Mr. WARREN] has pointed out to the Senate that the deficiencies are not all reported at the present time. Therefore we may face a still further deficit.

I will support the measure at such time when it is shown that the condition of the Treasury will permit it, but I believe it my duty and the duty of every Senator on this floor to vote against the measure at this time because there is not sufficient money in the Treasury to make the appropriation.

Unless we stop this habit that we have pursued during the last year of passing legislation simply because it is meritorious, unless we call a halt on the continued appropriation of money on these special measures, we will have a condition in the country which will bring about a famine, and if that comes there will be no babies to take care of.

I feel at this time that it is the duty of every Senator to oppose every measure which will place a fixed charge on the Treasury permanently and for all time. The bill provides for an appropriation of \$2,480,000, increasing progressively to \$4,000,000. We all know that in the creation of a new bureau of public welfare or public health of this character these estimates are always under the amount actually wanted. I venture to predict that if the bill is passed at the end of the year a still further appropriation will be asked for deficiency purposes. I have every sympathy with the principle of the bill, but I do not believe that we have any right under our constitutional oath to spend the money of the taxpayers, who will call upon us for a reckoning some day in this country, when the Public Treasury shows a deficit of \$1,200,000,000.

Mr. FRANCE. Mr. President—

Mr. FRELINGHUYSEN. I yield to the Senator from Maryland.

Mr. FRANCE. Knowing that the Senator is a banker, I want to ask him if he makes no distinction between an expenditure and an investment? This is not an expenditure; it is an investment.

Mr. FRELINGHUYSEN. Mr. President, I note the statement of the Senator. I am not a banker. In answering the questions I am reminded of the story of the minister who said, "There are nineteen reasons why we can not put a new roof on the church. The first one is that we have not the money, and there is no need to mention the other eighteen."

This may be an investment, but there are other things in which we can invest. We can invest in the education of the illiterates in this country; we can invest millions of dollars in that way, and it would be an investment, as we could invest in many other beneficial measures. I am not opposing the principle of the measure, which is meritorious, but I do oppose spending \$4,000,000 of the people's money at this time when we have not got it.

Mr. FRANCE. Will the Senator yield?

Mr. FRELINGHUYSEN. I yield the floor. I have finished.

Mr. FRANCE. I only wish to observe that the Senator, I think, has answered his own argument. The reason that we have illiterates in this country is because the argument of economy has been advanced when an effort has been made to secure adequate appropriations for the wiping out of the illiteracy. We meet this argument of economy whenever legislation of an ameliorative character is presented.

There is absolutely no excuse for illiteracy existing in this country, and the only reason for it is because the economy argument is always presented when great public educational measures are presented.

So far as I am concerned, I do not care to enter into an extended argument as to why this expenditure should be made or why this investment should be made. If I desired to do so I think without any question I might show where millions and millions of dollars have been absolutely thrown away by the votes of Senators on this floor for purposes unconstitutional and unjustifiable, without there being a question as to how the money was expended. We have not even asked for an accounting as to how these moneys were expended. So far as I am concerned, from now on, now that the war is over, I propose to exercise my desire for an accounting on measures which are destructive rather than upon measures which are of a constructive and upbuilding character.

We have had a great war. For four years the world has been engaged in the work of destruction. Millions of men have been forming organizations and creating great engines of destruction. So far as I am concerned, as we are entering upon the period of reconstruction, I shall not listen to any argument for economy when there are presented measures for the rehabilitation which must take place.



This I believe is a measure which is meritorious. I believe that the returns from the assessment which we are making under it will be large and I feel that is the sentiment of the majority of the Senate. I hope that we may get a vote upon the measure very promptly.

Mr. SHEPPARD. Mr. President, almost the entire argument of the Senator from Wyoming [Mr. WARREN] was based upon the proposition that the pending bill establishes a new bureau or a new board. Under the amendment offered by the Senator from Utah [Mr. SMOOT], and which has been accepted by the Senator from Maryland [Mr. FRANCE], this entire work is placed under the supervision of the Children's Bureau. So no new bureau or board is created.

Again, the \$480,000 to which the Senator referred, is not for the expense of the bureau, but is for apportionment among the States. Only 5 per cent of the amounts authorized in the bill is available for expense.

When the Appropriations Committee comes to report the appropriations for the Children's Bureau it can harmonize and coordinate the two purposes with perfect ease.

Mr. President, if it is desired to save money, it may be done in this way: When we shall have decided to expend \$400,000,000 for the Navy for the next fiscal year—and we shall, perhaps, expend more—and to expend \$300,000,000 or \$400,000,000 for the Army, merely cut one appropriation \$2,000,000 and cut the other appropriation \$2,000,000; the loss will not be felt; the aggregate of expenditures will not be increased, and this beneficent purpose will have been subserved.

Mr. PITTMAN. Mr. President, I realize the spirit which prompts the Senator from New Jersey [Mr. FRELINGHUYSEN] in voting against the pending bill, and no blame can be attached to him for that position, holding the views which he does. If I held the same views I should not hesitate to vote as he is going to vote.

This bill, however, states that it is "for the purpose of co-operating with the States in promoting the care of maternity and infancy in the several States; to provide instruction in the hygiene of maternity and infancy." I know of no cause with which we may deal in this body that is higher. I am a member of the Naval Affairs Committee; I believe in a great Navy; I think it is our first line of defense; and I am going to vote for a large appropriation for that Navy. It will probably require five or six hundred million dollars. This bill requires only \$4,000,000 per year. We are going to appropriate at least \$400,000,000 for the Army. I do not consider the Army so essential to the defense of the country as is the Navy. I feel that we could get along with half the sized army that we are appropriating money for. I should prefer to take \$4,000,000 proposed to be appropriated for this purpose from the \$400,000,000 that we are going to appropriate for the Army.

The Senator from New Jersey will probably feel that he is obeying his oath of office when he votes for an appropriation of \$400,000,000 for the Army; and yet he thinks that he would be violating his oath of office if he voted for the little sum of \$4,000,000 to assist in saving 23,000 women and 200,000 children who die every year, so it is authentically reported, from a lack of the teaching and care that this \$4,000,000 is to provide. I can not conceive how the Senator from New Jersey arrives at his conclusions.

The bill does not seem to require much argument to sustain it. It is well for the chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN], to warn the Senate with regard to economy, but the last place that we should start in with economy is where it affects the lives and health of the women and children of the country. It is very easy for the Appropriations Committee to adjust its accounts so that this \$4,000,000, out of the billions of dollars that are going to be appropriated, will not be felt.

However, it would be worth every cent which the Congress appropriates for every purpose if it would succeed in saving the lives of 200,000 children; yes, if it should save the lives of one-tenth or one-twentieth of that number it would be worth the burden that the people of this country would have to bear. We complain little of burdens where there is some chance of profit, but we are never willing gracefully to bear burdens where the only return for doing so is human life or the health of children.

The distinguished Senator from Colorado [Mr. THOMAS] made a very able speech yesterday; not against this bill, however, but it was a very able speech against our system of action in this body and the system prevailing in this country in the election of Senators.

Mr. THOMAS. Mr. President, if the Senator from Nevada will permit me, his conclusion may be that of all my auditors, but I spoke not against the system of the election of Senators but against our methods of procedure, and also against the bill,

Mr. PITTMAN. Mr. President, I know the Senator from Colorado well, yet I can never tell accurately from his speech how he is going to vote.

Mr. THOMAS. Mr. President, if the Senator would listen to my speeches, perhaps his criticism would be more just and correct.

Mr. PITTMAN. I realize that my criticism was only partially correct when I charged that the Senator was fighting the system and not the bill. Now he intimates that he is fighting the bill, and I accept his statement.

Mr. THOMAS. There is no intimation about it; it is an assertion.

Mr. PITTMAN. I distinctly remember when the distinguished Senator from Colorado did me the kindness on one occasion to vote for a bill of mine.

He spoke on this floor for two hours against the bill and probably lost me five or six very good votes, and then he voted for the bill.

Mr. THOMAS. I ask the Senator if the bill was carried?

Mr. PITTMAN. The bill carried in spite of the speech of the Senator.

Mr. THOMAS. That is the usual result of my addresses in this body.

Mr. PITTMAN. Mr. President, I rose for the purpose of complimenting the Senator's speech. As I was saying, it is one of the most able speeches to which I have ever listened, with regard to a subject that was not before the Senate, but in this the speech is not peculiar. The speech dealt with a fear that is alleged to animate Members of this body; it dealt with the lack of statesmanship of the present age; it called attention to the tendency of Senators to listen to and to give consideration to petitions and to the opinions of great masses of people throughout the country; it deplored the fact that statesmanship on the part of individual Senators could be influenced by the words and opinions of the voters of the country. That is one theory; but there seems to be a growing theory in the Nation that it is better to listen to what the majority of the people think. As a matter of fact, that theory seems to be winning in the country. So far as I am concerned, I will admit here that I am always afraid that I am wrong when an overwhelming majority of the people hold a different view from me.

Mr. THOMAS. I assume, therefore, that the Senator will now join the Republican Party.

Mr. PITTMAN. No; and I expect to be reelected as a member of the Democratic Party by virtue of the views I hold.

Mr. THOMAS. I certainly hope the Senator will.

Mr. PITTMAN. I am very sorry that the Senator was not reelected in November last. I did everything in my power to reelect him, although my efforts may have hurt him.

Mr. THOMAS. Mr. President, the Senator need waste no tears over my defeat. I shall very soon return to private and therefore to a far more congenial life; but if the Senator wants to return I am for him, notwithstanding the fact that he does not accept the logic of his own position and join the Republican Party.

Mr. PITTMAN. The Republican Party is a very great party, and I have a higher admiration for it now than I had a few months ago. I probably have more admiration for it now than I will have two years hence; but, be that as it may, the candidate who holds to the view that true statesmanship consists in differing with great masses of the people with regard to policies and principles, in my opinion, will not long be in public life, whether he is a member of the Republican Party or of the Democratic Party.

Of course, I know that is not the primary consideration of statesmanship. The primary consideration, of course, is to bring about the accomplishment of a good purpose. The Senator from Colorado is always trying to accomplish a good purpose, but he fights those things that are settled; he fights to accomplish something that is determined finally. He is still fighting the lost cause of the Civil War; he undoubtedly believes in the constitutional right of slavery; he believes that the cause of the South was right. He would have fought for slavery then, and he would fight for slavery now.

Mr. THOMAS. Mr. President, I do not like to interrupt the Senator, but surely he does not wish to misrepresent me upon the subject of slavery or upon any other subject. I have believed that slavery was constitutional. I think Abraham Lincoln also believed it, and so stated on numerous occasions; it required a constitutional amendment to abolish it; but when the Senator says that I am still fighting the cause of the Civil War, that I would fight for human slavery now as I did then, he makes a statement against which I must protest, for it is not the fact. I was raised in the South and amidst southern institutions, and I believed—and I say it without shame—in all I was then taught to believe by my people, who were as capable

and conscientious as others disagreeing with them. That was a good many years ago.

I came North shortly after the war, and in my new environment I soon learned that there were two sides to every question; that there was nothing more hateful than human slavery; that it was eternally wrong; and that the issue of the Civil War was settled correctly and, I trust, forever. I am glad the war ended as it did, and, in my humble way, I shall always oppose slavery in every form in which it manifests itself, however unsuccessful my efforts may prove.

Mr. PITTMAN. It seems, Mr. President, that I continue to do injustice to the Senator unintentionally. What I tried to convey was that he is still fighting in behalf of hopeless causes.

Mr. THOMAS. That I assent to most heartily, Mr. President. I have been doing that ever since I have been in this body.

Mr. PITTMAN. Mr. President, no one doubts the wisdom of the division of our Government into its various municipalities, into its subdivisions. State rights, however, were larger in the beginning than they are now, and it was proper that they should be larger in their scope, because the States were remote from each other in those days, and legislation of nearly every character had to be left to the States, because the people of the States were the only ones who had knowledge of the local conditions. But with the growth of the Nation, with the growth of transportation and intercommunication, these reasons for exclusive State action became of less force. We know more about the conditions in every State now, and that which takes place in every State now affects everyone in every other State. It is impossible to have an epidemic in one State without its communicating to another State, unless there is a proper system of quarantine. We can not stand to-day and see slavery of any kind or character in one State and say that it is not our concern and does not affect us in another State. It affects us everywhere.

Why, the time was when each county took charge of the building of its own roads, and when a county failed to build good roads it affected no one except the people in the county. But to-day, with rapid transportation by automobile and other means, one county, by refusing to build a link in a chain of roads could greatly affect the use and depreciate the value of the roads in all the other counties of the State, except for State action. For that reason, it became essential for the States to take supervision over the highways through every county in the State, and, on a larger scale, it becomes essential for the Federal Government to take charge of certain matters that rightfully should be attended to by the States, because the States will not attend to them.

The States should provide the appropriations and the means of educating the people with regard to the matters provided in this bill; but few of the States have done it, and the death and disease that is spreading throughout the whole country by reason of this failure of State action is affecting every State, and therefore it is the duty of the Federal Government to act. It is forced on the Federal Government, and it does not lie in the mouth of any State rights man or the governor of any State or the people of any State to complain against this legislation when the conditions that require the legislation are due to the negligence of those same complainants.

This bill is going to become a law, and it should become a law.

Mr. FRANCE. Mr. President, may we have a vote on the pending question?

The VICE PRESIDENT. There is a committee amendment pending, and the Chair understood that the Senator from Utah [Mr. Smoot] has an amendment to offer, which he has not yet presented.

Mr. FLETCHER. Mr. President, I suggest the absent of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Harrison	Norris	Spencer
Beckham	Hefflin	Nugent	Stanley
Capper	Henderson	Overman	Sterling
Chamberlain	Johnson, Calif.	Page	Sutherland
Colt	Kendrick	Phipps	Swanson
Curtis	Kenyon	Pittman	Thomas
Dillingham	Keyes	Poincxter	Townsend
Fernald	King	Ransdell	Trammell
Fletcher	Kirby	Sheppard	Walsh, Mass.
France	McKellar	Smith, Ga.	Wolcott
Gerry	McNary	Smith, S. C.	
Harris	New	Smoot	

Mr. SMITH of South Carolina. I wish to announce the unavoidable absence of my colleague [Mr. DIAL].

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The assistant secretary called the names of the absent Senators, and Mr. BRANDEGEE, Mr. MCLEAN, Mr. SIMMONS, Mr. WALSH of Montana, and Mr. WARREN answered to their names when called.

Mr. BORAH, Mr. FRELINGHUYSEN, Mr. HALE, Mr. MOSES, Mr. McCUMBER, and Mr. HITCHCOCK entered the Chamber and answered to their names.

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is unavoidably absent on account of illness in his family.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is an apparent quorum present.

Mr. KING obtained the floor.

Mr. FRANCE. Mr. President—

Mr. KING. I yield to the Senator from Maryland.

Mr. FRANCE. Will the Senator yield for a moment and permit us to offer amendments which will perfect the bill before he proceeds? I think there will be practically no debate upon them.

Mr. KING. It may be that if an amendment or two which I purpose offering should be adopted, it might modify the amendments which the Senator desires to offer, but not being advised as to the character of the amendments I am unable to state.

Mr. FRANCE. It is possible that some of these amendments might so alter the bill that the Senator would not care to press his amendment.

Mr. KING. I have no objection to waiting until the Senator offers the amendments which the committee desires.

The VICE PRESIDENT. The question is on the pending amendment, to strike out section 8. The Secretary will report the amendment.

The ASSISTANT SECRETARY. It is proposed to strike out section 8 in the following words:

That any State desiring to avail itself of the benefits of this act shall, by its board described in section 4, submit to the Federal board detailed plans for carrying out the provisions of this act. These plans shall include the provisions to be made in the State for the administration of the act; the provision of instruction in the hygiene of maternity and infancy through public health nurses, consultation centers, and other suitable methods, and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas. If the Federal board finds these plans to be in conformity with provisions and purposes of this act, due notice of approval shall be sent to the State board.

And to insert in lieu thereof the following:

That the cooperative work in promoting the care of maternity and infancy shall consist of instruction in the hygiene of maternity and infancy through public health nurses, consultation centers, and other suitable methods, and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas; and this work shall be carried on in such manner as may be mutually agreed upon by the Federal board and any State receiving the benefits of this act.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. KING. Mr. President, I would like to ask the Senator from Maryland having this bill in charge what reasons prompted the committee to offer this amendment. It seems to me that the amendment, if it prevails, would compel the adoption by the States, in order to secure the aid herein provided for, of a plan which might be too elaborate, and to engage in activities and services so minute and individual and local in character that they should be left to local communities or to the people themselves. For instance, the bill contains a provision that the States "shall" be compelled to furnish hospitals, particularly in remote areas, and medical and nursing care. Does the Senator believe that this bill should prescribe in positive terms exactly the course which shall be pursued by the States in dealing with these matters and the character of aid which shall be rendered? Does it not impose too much of a straitjacket system upon the States and leave too little to their discretion?

It would seem to be the purpose of the bill to standardize everything carried by the bill; to reduce all activities and operations to a dead, monotonous level; to deprive the States of any initiative or discretion. As a matter of fact, we know that that is the policy of the General Government, to place everyone on a Procrustean bed, and to compel uniformity. There is too much uniformity in the world. It is lack of uniformity that spells progress. The curse of bureaucracy is "uniformity." Incompetent Government officials attempt to force upon States and State officials obsolete or archaic methods and policies, and the result is either confusion or revolt or stagnation. The States are making progress. They do not want the paralyzing hand of Federal bureaucracy and incompetency laid upon them.

Mr. FRANCE. Mr. President, in reply to that question I will say that the criticism implied in the question would be a perfectly proper one if the language were susceptible of such an interpretation. It was not the purpose of the committee to make any hard and fast language in outlining the general pr-



poses of the bill. I think that if the Senator will read the amendment again he will see that hospital care, for example, is not compulsory, the language being to the effect that the care shall be either at home or at a hospital, the matter being left, of course, to the discretion of the local authorities.

I think that there will be no difficulty in putting upon this language such an interpretation as will leave it largely to the discretion of the local authorities as to how the work shall be carried on, and that was the purpose of the committee in framing the amendment.

Mr. SHEPPARD. Furthermore, Mr. President, if the Senator will yield, the bill specifically forbids the use of any of the money appropriated hereunder for the erection of buildings or hospitals of any kind, section 14 concluding as follows:

No portion of any moneys apportioned under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of any buildings or lands.

Mr. KING. May I suggest to the Senator from Maryland that the impression seems to me—and I know some Senators have that impression—that this measure was offered merely for the purpose of obtaining data relative to maternity and the hygiene of children and the dissemination of that data among the States. But an examination of the bill shows that its scope is much broader. As I now understand the measure, it puts the Federal Government into the States and calls for the employment of nurses, the erection or construction of hospitals or consultation centers, whatever that may be, and the furnishing of doctors and nursing care, and hospitals when necessary, so that it is clear that the scope of the bill is far beyond what many have understood its terms to be. The Federal Government, in cooperation with the States, must furnish hospital care and nurses and medical attention to those who come within the scope of the bill; and there is nothing, of course, as I read the bill, determining just exactly those who may be entitled to its benefits. Are the poor and needy alone to be the objects of its benefactions? If so, where is the line to be drawn, and who is to draw it? Is the test of benefits to be measured by the amount of wealth the individual or family may possess? Is it contemplated that this is the beginning of a policy to have the United States take over the entire field of biology, of birth and marriage, and the education of the children of the people? Is the Government to furnish hospitals and medical care for all the people? Is the Federal Government ultimately to assume the control of the children of the Nation and care for them until they reach majority? These questions naturally arise when one studies the provisions of this bill.

Mr. FRANCE. Mr. President, in reply to that I will say that the enlargement of the scope of the bill is in reality merely an enlargement of the scope of the discretion which the local authorities may exercise in the administration of the measure. The language "and care for mothers and infants at home or at a hospital when necessary" instead of directing that such care shall be given by the State merely enlarges the discretionary power of the local authorities in such a way that they may use the funds if, in their judgment it may be necessary, for actual care.

The whole purpose of the bill, and the amount of the appropriation, would indicate, I think, that it was not contemplated that any large numbers of patients would be accommodated at hospitals. More of this amount would be needed perhaps to accommodate patients, for example, in one State. I think that language merely enlarges the scope of the discretion of the authorities, rather than placing a narrow and arbitrary definition of what the duties of the State should be. I think if the Senator will reconsider the amendment in that light he will see the force of what I say.

Mr. KING. May I suggest to the Senator that in the second line of the amendment now under consideration there is an imperative word employed? It says:

That the cooperative work in promoting the care of maternity and infancy shall consist of instruction in the hygiene of maternity and infancy through public health nurses, consultation centers, and other suitable methods, and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas.

It is obvious that if the States desire to secure the benefits of this act, they will be compelled to carry out the kind of "cooperation" that is indicated in the bill and such as the General Government prescribes. It is not optional. What is to be the character of the cooperative work? There "shall" be not only instruction in hygiene through nurses, but there shall be consultation centers and other "suitable methods," and there shall be provision for medical and nursing care for mothers and infants, and hospitals when necessary.

Mr. FRANCE. Mr. President, I have indicated the purpose of the language of the amendment. In view of what the Senator has said, if he would care to offer an amendment changing that word "shall" to "may," I think that, so far as I am concerned at least, it will be satisfactory. Some language is necessary, as the Senator undoubtedly will concede, in which to outline the general purpose of the measure, and this language was designed to do that very thing. If the Senator would care to offer that amendment to the amendment, I should not personally feel like combating it.

Mr. McCUMBER. Before the Senator offers that amendment allow me to suggest what I think, at least, would be a more proper amendment, namely, after the word "methods," in line 7, to strike out all down to the word "areas," on line 10, so you would strike out "and the provision of medical and nursing care for mothers and infants at home or at a hospital, when necessary, especially in remote areas." That would leave intact all the provisions relating to instruction and the matter of promoting the care of maternity and infancy, but at the same time would not compel the Government itself to enter into the business of furnishing nurses and doctors to take care of all the maternity cases in the United States, because if there is reason and justice in taking care of them in one instance it is equally reasonable and just in other cases, the only difference being that in some instances, perhaps, the mother or the father could pay and in other instances they could not. But you are putting in an opening wedge upon this proposition of Government care of the individual that will swell more rapidly than any paternalistic wedge that has ever been adopted by the Congress. As I have to leave in one minute, I want to express myself upon the bill, if the Senator will allow me.

Mr. President, I think the Government can do nothing that is more valuable than to give information which will alleviate distress, and especially which will prevent illness, with all its consequences. I think all the education we could give along that line is most proper. But when the Government itself goes beyond instructing and enters into the business of taking care of the individuals constituting the American citizenship it has made a leap into the arena of paternalism from which it can never escape.

Let me call attention to the fact as it actually presents itself. We first introduce this bill and pass it, which provides for the taking care of the mothers and the infants. Admitting that beneficial results will follow, where are we going to stop?

If there is 1 case of death by reason of maternity there are 8 or 10 cases of death by reason of tuberculosis. I believe that a fair estimate of death from this dread white disease amounts to more than 250,000 a year. Poor boys, poor girls, poor children who can not get out into the open air and live in the right kind of climate are dying by the hundreds of thousands. Now, if we are to furnish nurses and furnish money in the case of maternity, tell me any good reason why we should not furnish the same care for those who are dying of tuberculosis and kindred diseases? Why should we stop with the one case? If the one class are eight times greater in numbers, then why should we not also provide for those who constitute the far greater number?

How many children are dying yearly from diphtheria? Are we furnishing nurses for them? Are we furnishing doctors for them? Why should not we furnish doctors for those who are afflicted with diphtheria where the father and mother are unable to furnish that medical assistance?

Then, again, there are hundreds of thousands of children dying yearly of typhoid and other fevers. Why should we restrict our governmental activities to one class of cases? The only answer that I can conceive of is the reply that this is but the first step and we will reach the other sooner or later. I believe that is true. I think we will have to reach them sooner or later if we take this first step. But have you contemplated the enormous cost of extending this help to all the suffering people in this country?

Mr. FRANCE. Mr. President—

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. McCUMBER. I yield.

Mr. FRANCE. I do not need to remind the learned Senator, who is so well posted on all the Government operations, that we are already expending large sums of money for the prevention of typhoid fever, diphtheria, and the white plague.

Mr. McCUMBER. That is what we are doing and properly doing, but we are not providing nurses for them; we are not providing the medicine; we are not taking care of them in any way. The only point that I seek to make is that there is no line of demarcation by which you can differentiate between the sev-

eral classes of human ailments and say that this class shall have assistance and this class shall have none.

Mr. FRANCE. I was not criticizing the Senator's able argument which he was making. I realize its force. Of course, personally I hold the view that preventable disease and illiteracy are chargeable to the Government. There is only one argument against the elimination of illiteracy and preventable disease, and that is the economy argument. It has been proven that typhoid fever and tuberculosis can be stamped out by the proper governmental action. I hope that the very able argument of the Senator, and his arguments are all very able, may serve to point the way to the Senate, which is, of course, the way in the protection of a feeling of great responsibility by both the Federal and local governments for the existence of these evils, which can be readily eliminated by proper governmental action, an action which, I may say, must be taken both by local and by the Federal Government, because we have already come to a realization that separate State action is not adequate for the meeting of a nation-wide condition.

Mr. McCUMBER. Mr. President, as I said, I think the Senator agrees with me, in part at least, that this is the entering wedge for enormous appropriations in the very near future. If there is any one thing that the public is afflicted with in the world, it is disease. If there is anything that is expensive in the world, it is the attempt to live longer and to cure our ailments; and as we all have them, we would all be more or less the wards of the Government to take care of our several ailments.

I read in the Star a few weeks ago that in one of our departments provision is made for all Government employees in that department to get free medical service and free medicine whenever they are afflicted. So that if a person is lucky enough to be employed in one of the Government departments, he or she can go to the dispensary and get everything from a corn plaster to the most expensive medicine without the payment of a cent. He and she will have dentists to look after their teeth, the oculist to look after their eyes, and all these people are to be furnished this service at the expense of the Government, while the poor clerk down in the department store, man or woman, must pay that expense in added taxes, although his or her earnings are not to exceed two-thirds, and in most cases not to exceed one-half, that of the Government employee.

I do not like that paternalistic idea. If we are going into the subject of furnishing medical aid for any class of American citizens, then in Heaven's name let us make it a public affair and treat them all alike. There is no more reason for furnishing a nurse to one than there is to the other class, provided that they are both so situated that they can not pay the cost of the nurse.

I think Senators must agree with me that that is a fair proposition and that we ought not to embark in the particular feature of furnishing doctors and medicines and nurses for one class of people to be paid for by another class who perhaps need the service just as badly as the first class. I have not been blind to the operation of some of the charities here in the city where free service is rendered. The ordinary person of Caucasian blood has some pride about ever accepting charity in any form, and that person will deprive himself or herself of almost anything on earth rather than to accept it. There is another class of another race that has not that same pride, and this class will receive the charitable aid while the other class, because of its pride and its sensitiveness, its manhood and womanhood, is deprived of it.

I insist that we either ought to make it a general policy that we are to furnish nurses and medicines and doctors wherever the patient is unable to pay for it, if it is to save life or health, or else not embark in it at all. I believe that the lives of thousands and hundreds of thousands of people have been saved by reason of the information that has gone out, issued weekly and monthly by the Society for the Prevention of Tuberculosis. I think that is true of other societies, and I believe the Government could give information that would be most useful and very beneficial in these maternity cases.

But, Mr. President, I do not wish to have the Government embark in a course of becoming in fact a caretaker of the poor or merely a charitable institution. Do all we can to educate the people, help them all we can in the matter of how to take care of themselves, spend any amount of money that may be necessary to give them proper information, but stop right there, because if we go beyond it there is no stopping place. That is why I have suggested to the Senator from Utah [Mr. KING] that it would be better to cut out that portion which provides for the actual medical attendance and the furnishing of nurses by the Government of the United States. I wish to vote for this bill for the good there is in it. I wish I could

eliminate that section which I feel is dangerous. If it can not be eliminated, then I must vote for the good with the hope that the evil may be minimized.

Mr. SMOOT. Mr. President, I am compelled to leave the Chamber to meet with a committee from the House of Representatives—

Mr. FRANCE. Will the Senator yield for a moment?

Mr. SMOOT. Certainly.

Mr. FRANCE. Mr. President, I ask unanimous consent for permission to withdraw the committee amendment for the moment in order that the Senator from Utah may offer his amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The committee amendment is withdrawn.

Mr. SMOOT. For the reasons I have stated I desire to offer the following amendment to the bill. If Senators will kindly excuse me, I wish to call the attention of the chairman of the committee to the fact that my amendment should be followed with an amendment to section 15 to make it conform to the amendment which I have already offered. The chairman of the committee will, I believe, offer the amendment which I suggest to section 15, which makes the bill conform to the amendment that I have offered, if my amendment is agreed to.

I will state briefly that the amendment is for the purpose of eliminating from the bill the Federal board of maternal and infant hygiene. It is to place the management of the activities under the Children's Bureau, and provides that whatever activities are had in the future shall be under the direction of the Children's Bureau. The amendment covers that question with the single exception of the amendment to which I have referred in section 15, which the chairman of the committee will offer.

Mr. DILLINGHAM. May I inquire of the Senator from Utah whether it makes this bureau responsible to the Department of Labor or does it leave it an independent body?

Mr. SMOOT. The Children's Bureau is to stay under the Department of Labor. It simply adds to the duties of the Children's Bureau the additional labors required by the bill, rather than to have a separate bureau for that purpose.

The PRESIDING OFFICER. The Secretary will report the amendment offered by the Senator from Utah.

The READING CLERK. On page 1 strike out all of line 10, and on page 2 strike out lines 1, 2, and 3 and substitute therefor the following:

For the use of the Children's Bureau, for the promotion of maternal and infant hygiene, for the administration of this act, and for the purpose of making such studies, investigations, and reports as will further the efficient administration of this act.

Mr. KING. May I ask the Senator whether that contemplates that the administration of this bill shall be committed to the Children's Bureau?

Mr. SMOOT. To the Children's Bureau.

Mr. KING. I have not the amendment before me, but I was about to propose an amendment to the bill providing that the administration of the measure shall be left with the United States Public Health Service. That is an organization which is familiar with matters concerning the health of the people; it has to do with the public health of the people in all the States. This organization is nation-wide in its activities and in its functions. It would seem that, instead of creating another organization, which will have to do with medical matters and the health of the people, it would be better to place the administration of this bill upon an organization which is already functioning, and which in the very nature of things will be perpetuated.

Mr. SMOOT. Mr. President, the amendment provides that—

The Chief of the Children's Bureau of the Department of Labor, acting through the agency of the Children's Bureau of the Department of Labor, shall be charged with the carrying out of the provisions of this act.

The amendment also provides that the advisory committee shall consist of the Secretary of Agriculture, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education.

In the first place, I wanted to prevent the creation of any more bureaus in the Government. I recognize that the suggestion of my colleague would have that same effect; but, as the Surgeon General of the United States Public Health Service is one of the advisory committee, together with the other two members of the board I have named, I thought perhaps it would be better to have it administered by the Children's Bureau than by the Public Health Service. I think my colleague recognizes the fact that there is about as much duplication of work in the Public Health Service as there is in any bureau of the Government. I do not want to afford them any further excuse for coming to Congress and asking for an appropriation of more



than \$4,000,000 a year to carry on the work contemplated by the pending bill. I recognize the fact that this agency, if established, is going to cost a great deal of money. I know the bill provides that after a few years the appropriation shall be \$4,000,000 plus \$480,000, or a total of \$4,480,000 a year; but if the provisions of the act shall be carried out and no favoritism shown and the object of the legislation shall be effectuated, or approximately so, of course it will mean millions of dollars more. It will be for the Senate to decide whether the administration of the proposed act shall be placed under the Children's Bureau, in connection with the advisory committee, or whether it shall be placed under the Public Health Service. I thought under the circumstances it had better be placed in the hands of the Children's Bureau under the Department of Labor.

Mr. HITCHCOCK. Mr. President, I should like to ask some Senator who is familiar with the real purpose of the pending bill whether it was not originally intended that its administration should be similar to the administration of the act passed by Congress appropriating money for the promotion of the construction of highways; in other words, that the real administration on the ground should be by the States, and that the appropriation should be considered a contribution by the United States Government.

Mr. SHEPPARD. That is true.

Mr. HITCHCOCK. It seems to me if that is true that there ought to be some amendment to the bill. In section 4, for instance, the provision is made that the State authorities may be created, but they are only given power "to cooperate as herein provided with the Federal board in the administration of the provisions of this act," whereas it seems to me that the State authorities in the different States should be given the power to administer the act on the ground. Then again, in section 6, a most sweeping grant of power is given to the bureau. That section provides—

That out of the amounts authorized under this act the Federal board is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to rent buildings outside of the city of Washington—

There is no limitation of any sort. They are given carte blanche to employ people at any salaries they may please and as many as they please.

Then they are given the authority to rent buildings outside of the city of Washington. That means they may go into every State of the Union and rent buildings for the purpose of administering this proposed act, instead of allowing the States to administer it. They are given authority "to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as it may deem necessary for carrying out the purposes of this act."

Mr. SMOOT. I will say to the Senator that I had that matter in mind when I made the statement that an appropriation of more than \$4,480,000 would be required in a very few years.

Mr. HITCHCOCK. The bill appears to me to provide for the administration of the law practically by this bureau.

Mr. SMOOT. It does.

Mr. HITCHCOCK. And to place no limitation whatever upon the expenditures of the bureau except possibly that contained in section 5, which indicates that for expenses it may employ not more than 5 per cent of the total amount appropriated in any one year.

We proceed in the first year to appropriate \$2,000,000. That is supposed to be for the States, but, as I understand, that amount may be used for the expenses of the bureau, and it seems that something like \$100,000 can be used by it for activities outside of the city of Washington very largely.

Mr. SMOOT. I will say to the Senator that I think that is a very small amount if the object of the bill is carried out. I do not wish to be deceived; I am not going to deceive myself; and I do not think Congress ought to be deceived into thinking that this appropriation will be confined to the amount which is named in this bill. That will not happen any more than it happened in connection with the Children's Bureau, when we were told at the time the bureau was created and \$10,000 appropriated for it that the expenses of the bureau would never at any time amount to more than \$25,000 a year. We now have the estimates for the Children's Bureau for the coming fiscal year and find they are between seven hundred and eight hundred thousand dollars.

So I want to be perfectly frank with the Senator, and say that, so far as I am personally concerned, I will not be surprised if when this bill shall become a law—and I think it will become a law—at some time before the \$4,000,000 annual appropriation shall be reached, or if not previous to that time then shortly following that time, the appropriation will be very much more than that provided now in the bill.

Mr. HITCHCOCK. Mr. President, I am not altogether disturbed over the amount appropriated. What I dislike to see is the creation of a great machinery here in Washington when I had been led to believe that the purpose was merely to use the organization here as a small clearing house and actually to encourage each of the 48 States to put into operation the work of administering the law. I thought that was the conception of the bill—that Congress was to appropriate the money to encourage each State in the administration of the law—but it seems to me that as the bill is drawn the power is all left in the bureau here, and that it will multiply the number of its employees and continue to rent offices and incur expenses, so that the money we appropriate, instead of going for the alleviation of existing conditions and for securing the result aimed at by the measure, will be consumed in expenses.

Mr. SHEPPARD. Mr. President, I wish to say to the Senator from Nebraska that there is a limitation on expenses of 5 per cent of the amount authorized in the bill.

Mr. HITCHCOCK. I have already cited the fact that that is the only limitation; that there is no limitation on the amount of salaries. I, for my part, distinctly object to a bureau in Washington renting quarters in all of the 48 States of the Union to carry on business. The bureau ought to operate here in Washington, and it ought not to be permitted to rent quarters in various States and undertake to administer the law when its administration should be left to the State authorities under the instructions of this bill.

Mr. SMOOT. Mr. President, I wish to say to the Senator that unless the bureau is allowed to go into the various States the object of the bill will not be accomplished. The bureau here will have to have some kind of headquarters in every State in the Union, and perhaps a number of headquarters in each State in the Union, in order that the work provided for may be carried on. It is true that there is a limitation of the amount that can be expended in the District of Columbia to 5 per cent of the appropriation. On \$4,000,000, 5 per cent will amount to \$200,000. The remainder is to be expended under the provisions of the bill outside of the District of Columbia. If I had time to go into the bill in detail and consider it more closely than I have had an opportunity to do, I might suggest other changes than those which I have suggested. I do not think, for instance, that it ought to provide unlimited power to pay any sort of salary that may be decided upon.

Mr. HITCHCOCK. Mr. President, there is no limit, so far as I can see, in the section under discussion, and, so far as I am concerned, I am distinctly opposed to having a bureau in Washington rent headquarters in every State in the Union. That is what they will have the power to do under the section.

Mr. SMOOT. How will the provisions of the bill be carried into operation unless they do have such power?

Mr. HITCHCOCK. They can very well operate through the quarters occupied by the State authorities.

Mr. SMOOT. Then we will have to change the theory of the bill.

Mr. HITCHCOCK. We have a Labor Bureau now that is operating in the various States, but it operates generally through existing agencies in each State, and there is no reason why a bureau of this kind can not act in a similar way. If we give the bureau authority to rent quarters in each of the 48 States, they are going to consume the funds in expenses and in creating a great piece of governmental machinery.

Mr. SHEPPARD. How can they do that in view of the limitation of 5 per cent? It is not a limitation merely as to the District of Columbia, but applies everywhere.

Mr. HITCHCOCK. The limitation can be changed in the appropriation bill.

Mr. FRANCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. HITCHCOCK. I do.

Mr. FRANCE. I desire to say that the Senator's interpretation of the bill is correct. This work should be carried on by the local authorities under the supervision of the bureau here. That is the whole tenor of the bill. If the Senator had had an opportunity of reading it more closely, I think he would realize that that method is provided for—the decentralized method of having the local authorities carry on the work. So far as I myself am concerned, I should be very glad, if the Senator cares to offer such an amendment as he has suggested, to see modified the authority to rent buildings outside of Washington. I can not think that it was the contemplation that the bureau chief should rent buildings in the States for carrying on this work, and I repeat that I should be very glad to accept such an amendment as the Senator has suggested, so far as I am concerned.

Mr. HITCHCOCK. I think that such an amendment would materially improve the section.

Mr. SMOOT. Mr. President, of course, the Senator having the bill in charge can do as he pleases; but does he not think it will be absolutely necessary that some agency outside of the District of Columbia, representing this organization, shall have a headquarters?

For instance, take California, Arizona, and New Mexico. Suppose they were made a district. It seems to me it would be very much cheaper to have a headquarters there than to have the employees and representatives of the organization paying traveling expenses from Washington to every State in the Union and back again to Washington. They will have to have a headquarters somewhere, it seems to me, to administer this bill as it ought to be administered; and if you are going to prevent the renting of quarters anywhere outside of the District of Columbia, I think the expenses will be a great deal more than the rent which would be paid, and traveling expenses of the representatives in going from one end of the country to the other.

Mr. FRANCE. Mr. President, I realize the force of what the Senator from Utah says; but it seems to me that under section 8 the local authorities would be authorized to establish consultation centers and to rent headquarters for carrying on this work, and it seems to me that is the proper method, as suggested by the Senator from Nebraska, and I think it is the method contemplated under the bill.

Mr. HITCHCOCK. Mr. President, if the Senator will permit me, the experience is that at the present time there are representatives of a number of Washington bureaus that are not required to rent headquarters in the various States. The Government has buildings in every State, and my recollection is that the representatives of the Department of Labor occupy positions in courthouses or in other Government buildings wherever they are; and other representatives of Government bureaus are always able to find, either in the capitol of the State with which they are cooperating or elsewhere, the necessary places.

But if you open to any bureau here in Washington the power to establish a separate headquarters in each of the 48 States, you open the door very wide to the building up of an enormous department, and it will come rapidly. The place will be rented, and there will have to be a clerk in it, and there will have to be a telephone in it, and there will have to be rent paid, and a gas bill, and an electric bill, and a great machinery will soon develop.

I hope this bill will be changed so that I can give it my support, as I originally expected to, upon the theory that while the Government of the United States appropriates this large sum of money and coordinates the activities of the various States by the bureau here in Washington, it will leave to the authorities in each State the active administration and application of the law. I think that is where it can be made most efficient and most acceptable to the various States.

I do not know whether it is in order to offer this amendment at the present time or whether there is an amendment pending.

Mr. SMOOT. There is an amendment pending.

Mr. FRANCE. Mr. President, if that inquiry is directed to me, I should be very glad to see the amendment of the Senator from Utah adopted, because I feel that it materially improves the administrative features of the bill; and then, with another slight amendment which I shall offer to make the remainder of the bill conform after the adoption of the amendment of the Senator from Utah and after the adoption of the committee amendment, I shall be very glad to have the Senator from Nebraska suggest an amendment to the particular portion of the bill to which he refers—that portion authorizing the chief of the bureau to rent buildings outside of Washington. This bill is very carefully drawn, so that this work will be decentralized by being carried on by the local authorities.

The PRESIDING OFFICER. The question before the Senate is the amendment offered by the senior Senator from Utah [Mr. SMOOT].

Mr. KING. Mr. President, I offer the following amendment to the amendment offered by my colleague: Strike out all of lines 10, 11, 12, and the words "called 'the Children's Bureau,'" in line 13 of his amendment to section 3, and insert in lieu thereof the words "the United States Public Health Service," so that it will read:

The United States Public Health Service shall be charged with the carrying out of the provisions of this act.

If the amendment I have just suggested is adopted, then a like amendment would be necessary in other parts of the amendment offered by my colleague.

I think that the execution of this bill should be lodged with some one particular bureau or agency and not left to a multi-

tude of officials, but I suggested to my colleague a moment ago that in my opinion the Public Health Service of the United States is the best equipped bureau or agency of the Government for carrying this measure into effect.

I have understood the provisions of this bill to be along the lines indicated by the Senator from Nebraska [Mr. HITCHCOCK]. I was very much surprised when I came to read it, in view of the statements which have been made to me by many proponents of the bill, to find that it is an attempt to build up here in Washington a great bureaucracy which will extend its tentacles into every State of the Union.

We were led to believe that the purpose was to have specialists and competent officials of the Government collect data with respect to maternity and hygiene, and then to distribute that information to the various States through the instrumentality of such State organizations as might be provided; but an examination of the measure reveals that it is very much like many other measures which have found approval at the hands of Congress. Measures are offered, apparently innocent upon their face, but when they are enacted into law they become the basis of gigantic Federal agencies, which encroach upon the States, and compel the appropriation of vast sums from the Federal Treasury. A measure which appears to be serving some benevolent and proper purpose becomes a huge bureaucratic machine, which seeks the subversion of State functions and the aggrandizement of the Federal Government.

Unquestionably this measure in its present form will be the basis for the creation of a gigantic, bureaucratic Federal organization. It will not be content with furnishing data to the States, but it will insist upon going into the States and taking charge of administrative matters there. It will not be content with furnishing data and information relative to the subjects mentioned in the bill, but it will seek to establish hospitals and consultative centers, and promote organizations of nurses, and take over the conduct of matters which should be under the cognizance of private individuals or by the States themselves.

It is manifest from an examination of the bill that it contains the germs of perennial growth and development, and that it will create an organization in force or power which will eventuate in the people looking to Congress for appropriations to care for them in sickness and in death. It will enervate the people, destroy the individual sense of responsibility, and educate the State to place upon the Federal Government duties which it should perform. I predict that within a few years, if this bill becomes a law, there will be thousands of Federal employees operating under its provisions and millions of dollars appropriated annually by the General Government. Not four millions will be required, but forty millions, and doubtless very much more. If we begin to establish hospitals and nursing centers and supply medical care in all of the States of the Union for maternity cases and to care for children, the Federal Government will soon have upon its hands the performance of a task which will increase its burdens and demand heavier taxes from the people.

The States will soon cease to look after State hospitals, if there shall be State hospitals, and the people, little by little, will make their demands upon the Federal Government to furnish medical care and hospital care and nursing in all maternity cases. This will be followed by demands from the employees of the Government who will desire to extend their functions and increase their power and emoluments that aid be given the mothers and the children for an indefinite period. It will be insisted that they should be supplied with homes and food and clothing, and that efforts should be made to supply them with work and positions. Thus the view will be pressed that the Federal Government should help all persons who are afflicted or diseased or insane, and that this organization or some other Federal agency should undertake this additional work. Already we see a weakening of individualism and individual responsibility and a growing feeling that the United States must or should care for the people.

But to return. The Public Health Service is already in existence, and while it is a most extravagant organization, costing enormous sums annually, it is equipped to perform the work called for by this measure.

From my investigations, Mr. President, I am led to believe that the Public Health Service contains some very excellent officials and medical men of ability and high standing, men who have given years to the study of those questions which are properly cognizable by a bureau of that character. The activities of the Public Health Service are not confined to Washington, but their activities extend to all of the States. We have made appropriations of thousands of dollars to enable that organization to study diseases and sanitation, and all cognate questions, and to make distribution of the information obtained to the various States of the Union.



Now, if we have a medical organization already functioning, and if there are hospitals already in existence, owned by the Government, and more to be erected, and if this organization is engaged in obtaining data respecting the diseases prevalent in the United States, why not utilize this organization? Why create another one? If we create another organization, manifestly we will need doctors and nurses and medicines and instruction and the collection of data for distribution. We now have an organization which can accomplish those things, one which is collecting data and disseminating information among the people.

Mr. President, I am told that the Public Health Service has even instituted researches among the schools for the purpose of giving information to parents as to the diseases of children and the methods which should be employed to promote the health of the children. The object undoubtedly is praiseworthy, but there may be differences of opinion as to the power of the bureau to carry on such work.

So, Mr. President, it seems to me that it would be the act of wisdom, and it would certainly be a logical thing to do, to commit to an organization which is now functioning, which is extensively operating in the United States, the administration of the provisions of this bill. The amendment offered by the senior Senator from Utah [Mr. SMITH] calls for the services of the Public Health Service for consultative and administrative purposes. If this organization is to be called into action to aid in the execution of the bill, why not devolve upon it the entire administration of the bill? It is obvious that those who drew the bill felt that the Public Health Service should be consulted in the administration of the act, and therefore the original bill, as I recall, provides that the United States Public Health Service shall constitute, in connection with other branches of the Government, an advisory board to aid in the execution of the act.

If the Public Health Service is to constitute a portion of the advisory board, it is clear that the drafters of the bill felt that its superior knowledge and the experience of its members would be of incalculable benefit in the execution of the bill. I repeat, Mr. President, that if this organization, composed of some of the best medical men of the United States, is to be employed in a consultative way, the whole responsibility of enforcing the act should devolve upon that organization.

Just one word further, Mr. President, not quite apropos of the amendment, but along the lines indicated by the Senator from Nebraska [Mr. HITCHCOCK]. I do not agree with the position taken by my colleague, Mr. President, if I understood his position, that there should be headquarters for this organization in every State. If headquarters are established in every State, there will soon be headquarters in every county containing a large population. If headquarters are to be established in a State with a population of half a million or a million people, how many headquarters and buildings would be required in the great State of New York, or Pennsylvania, or Illinois, or Ohio? If this is to be administered by the Federal Government through officers and bureaus and employees placed in all of the States of the Union, Mr. President, it will require an army of officials, and it will cost hundreds of thousands of dollars annually for the rent of public buildings. We will convert this organization into a mighty Federal bureau instead of an instrumentality to aid the States. The Federal Government will overshadow the States; instead of furnishing information to the States, the Federal Government will assume the administration of the bill; it will enter into the States, control certain of their activities, and create a machine that will cost the people millions and tens of millions of dollars annually.

Mr. President, it seems to me that the amendment which I have offered ought to secure the approval of Senators.

Mr. WALSH of Montana. Mr. President, I am in sympathy with the principles of this measure and want to give the bill my support. I am not seriously troubled about the question of power with respect to legislation of this character. It is true there is no express delegation of power in the Federal Constitution to the Congress of the United States to deal with a subject of this character. Neither is there any such delegation of power over the subject of education. That was reposed, under our kind of government, in the States. Understanding that fact, from the very beginning of the Government Congress has been making grants of public lands to the States in the interest of education. I believe those grants began with the very beginning of our Government and have gone on at intervals ever since, and I am entirely unable to distinguish in principle between the grant of public lands from the Government to the States in aid of education, which lands might have been sold for cash and the cash turned into the Treasury, and the grant of money outright for the purpose of aiding the States in their work of

education. The practice has gone on too long; it has become sanctioned by usage to such an extent that I apprehend no one at this day would be heard to say that it is beyond the scope of the powers of the Federal Government to vote aid to the States for the purpose of carrying on the work of education.

Mr. President, if the Government may thus make grants of land or of money to the States for the purpose of educating children, it would be difficult to establish that it has not the power to grant aid, either in money or land, to aid in bringing children into existence, and that is the purpose of this bill, as I understand it. It is not only a humanitarian measure, but it is founded on a wise public policy, because I believe that, since the war at least, it is generally recognized that the greatest asset any country has is its own citizens.

So, Mr. President, it was my conception of this measure that it was built upon that principle, practically the same as the good roads act. In that case the Federal Government votes aid to the States for the purpose of carrying on the work of constructing roads, the work being carried on by the States, the Federal Government merely making such supervision as will insure the appropriate and economic use of the aid extended.

That, as I say, as I understood it, at least, is the theory upon which this bill is constructed. That would seem quite clear from section 1 of the bill. I read from lines 5 and 6, as follows:

The sums authorized in section 2 of this act to be paid to the several States for the purpose of cooperating with the States in promoting the care of maternity and infancy in the several States—

Clearly implying that the work of promoting the care of maternity and infancy in the several States is to be carried out by the States, this act to extend aid and cooperation in that work by the Federal Government.

That idea is also conveyed by the language found at the bottom of page 3 and the top of page 4 of the bill, as follows:

The Federal board shall have charge of all matters concerning the administration of this act and shall have power to cooperate with the State boards authorized to carry out the provisions of this act.

That is to say, it is the State boards which are authorized to carry out the provisions of this act, and the Federal board acts in cooperation with the State authorities.

But that idea, Mr. President, is, as I say, rather at war with the language of the succeeding section, namely, section 4, which reads:

That in order to secure the benefits of the appropriations authorized in section 2 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or authorize the creation of a State board of maternal and infant hygiene, consisting of not less than three members, which shall have all necessary powers to cooperate as herein provided with the Federal board—

Which would seem clearly to imply that the Federal board is the one which is to conduct the operations, to be the main wheel in the machinery, and that the State boards are simply to cooperate with the Federal board, which is to be the active, important, and primary agent. That would introduce quite a new principle, to my mind.

But I am very certain that that was not the purpose of those who framed the bill, and accordingly, I offer this amendment, to make the bill, as I conceive it, conform to the ideas entertained by those who drafted the bill, namely, in section 4, page 4, line 12, after the word "members" insert the word "with," and after the word "which," in the same line, insert the words "the Children's Bureau," to conform to an amendment which, as I understand it, has been accepted, and then to cut out the words "with the Federal board," at the end of line 13 and the beginning of line 14, on the same page, so that the section will read:

That in order to secure the benefits of the appropriations authorized in section 2 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or authorize the creation of a State board of maternal and infant hygiene, consisting of not less than three members, with which the Children's Bureau shall have all necessary powers to cooperate as herein provided in the administration of the provisions of this act.

The PRESIDING OFFICER. May the Chair suggest to the Senator from Montana that there is already an amendment pending, to which an amendment has been offered?

Mr. WALSH of Montana. Then I will ask for the consideration of the amendment offered by me in its regular order.

Mr. KING. I was going to ask the Senator having the bill in charge, if the Senator from Montana will pardon me, if he will, not accept that amendment.

Mr. FRANCE. Mr. President, I think the point made by the Senator from Montana [Mr. WALSH] is good, and I think his amendment corrects a defect in the bill, and I should be very glad to see it accepted at the proper time.

Mr. WALSH of Montana. I ask unanimous consent for the present consideration of the amendment to the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment of the junior Senator from Utah [Mr. KING]

to the amendment of the senior Senator from Utah [Mr. Smoot] and the amendment of the senior Senator from Utah will be considered temporarily withdrawn, and the amendment offered by the Senator from Montana [Mr. WALSH] is now before the Senate as in Committee of the Whole.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The amendment now before the Senate is the amendment offered by the junior Senator from Utah [Mr. KING] to the amendment offered by the senior Senator from Utah [Mr. Smoot].

Mr. FRANCE. I hope the amendment to the amendment will not prevail.

Mr. HARRISON. Let the amendment be reported, Mr. President.

The PRESIDING OFFICER. The Secretary will report the amendment offered by the junior Senator from Utah to the amendment of the senior Senator from Utah.

The READING CLERK. The senior Senator from Utah [Mr. Smoot] proposes the following amendment, on pages 3 and 4: Strike out all of section 3 and substitute therefor the following:

SEC. 3. The Chief of the Children's Bureau of the Department of Labor, acting through the agency of the Children's Bureau of the Department of Labor (hereinafter called "the Children's Bureau"), shall be charged with the carrying out of the provisions of this act and the Chief of the Children's Bureau shall be the executive officer. The Chief of the Children's Bureau as executive officer is hereby authorized to form an advisory committee to consult with the Chief of the Children's Bureau and to advise concerning any problems which may arise in connection with the carrying out of the provisions of this act, such advisory committee to consist of the Secretary of Agriculture, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education. The Children's Bureau shall have charge of all matters concerning the administration of this act and shall have power to cooperate with the State board authorized to carry out the provisions of this act. It shall be the duty of the Children's Bureau to make or cause to be made such studies, investigations, and reports as will promote the efficient administration of this act.

The junior Senator from Utah proposes the following amendment: After the numeral "3" strike out the words "The Chief of the Children's Bureau of the Department of Labor, acting through the agency of the Children's Bureau of the Department of Labor (hereinafter called the 'Children's Bureau') and insert in lieu thereof the words "the United States Public Health Service," so that the amendment would read:

The United States Public Health Service shall be charged with the carrying out of the provisions of this act and the Chief of the Children's Bureau—

And so forth.

Mr. KING. Mr. President, if the first amendment which I have suggested is agreed to, then I shall desire further to amend the amendment offered by the senior Senator from Utah [Mr. Smoot], by striking out the words on page 2, lines 1 and 2, of the proposed amendment, "and the Chief of the Children's Bureau shall be the executive officer."

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 2 of the proposed amendment of the senior Senator from Utah [Mr. Smoot], line 1, after the word "act," strike out the words "and the Chief of the Children's Bureau shall be the executive officer."

Mr. KING. The amendment which I have now submitted reads:

The United States Public Health Service shall be charged with the carrying out of the provisions of this act.

Mr. FRANCE. Mr. President, I desire to say a word on the proposed amendment. I realize that there are many reasons why this work should be placed under the supervision of the Surgeon General of the Public Health Service. Indeed, when the matter first came to me, in my consideration of it I was inclined to feel a good deal that there were so many advantages to be secured by the administration of the bill by the Public Health Service that perhaps the bill should be amended as the Senator from Utah has now suggested that it should be amended.

But after giving the matter my most careful thought, and after talking the matter over with the members of the committee, it seemed to me to be a mistake to put the work under the direction of the Public Health Service. I do not care to detain the Senate now with an enumeration of all the reasons why the bill should go for administration to the Children's Bureau, but there are very important reasons.

The amendment offered by the senior Senator from Utah [Mr. Smoot] meets many of the objections which have been urged to the creation of the new board. I feel that the administration of the work, as provided in the bill after it is amended as it will be by the amendment of the senior Senator from Utah, will be most efficient and that every objection has been taken care of. The amendment of the senior Senator from Utah provides that the administration shall be by the Children's Bureau. It pro-

vides that the Chief of the Children's Bureau shall be authorized to appoint an advisory committee, that committee to be formed of the Surgeon General of the Public Health Service, the Secretary of Agriculture, and the Commissioner of Education. It seems to me that is an ideal arrangement, and under it the administration will be carried on efficiently.

I sympathize with the views of the junior Senator from Utah [Mr. KING], but I do feel that if he had the opportunity of studying the matter as fully as I have had and if he had had an opportunity to look into the matter as carefully as members of the committee looked into it, he would realize, of course, what I have said, and he would realize the advantages of the administration proposed in the amendment offered by the senior Senator from Utah.

Mr. HARRISON. Mr. President, as I understand it, the agents who will be employed in this department to carry out the purposes of the bill will be more or less expert in medicine and in hygiene, will they not?

Mr. FRANCE. Yes; I think it is contemplated that the work shall be carried on by those familiar particularly with hygiene and nursing. The work which it is contemplated will be carried on under the bill is generally carried on by district nurses who act under medical supervision in all that work.

Mr. HARRISON. May I ask the Senator, in his opinion, how many nurses is it estimated that it will take to carry on the work with the appropriations that are provided for in the bill?

Mr. FRANCE. Of course, it would be very difficult to state offhand how many persons would be required for the administration of the provisions of the bill.

Mr. HARRISON. Practically all the field force will necessarily be experts, trained in hygiene and medicine. Is that correct?

Mr. FRANCE. It is rather difficult to define the term "expert." It is a question whether we have in the United States more than a thousand experts on the question of hygiene.

Mr. HARRISON. Of course, if the Government is going to employ nurses who do not know their business and are not versed in the purposes which this measure is intended to serve, then we can not look for much result from it. The Senator will agree with me in that, I know.

What I am trying to get at, because I am going to support the bill, is that it would seem to me upon first blush that the Public Health Service would be a better department under which to place the work, because of the work that it is doing, than the Children's Bureau. The Children's Bureau is doing great work and rendering great service to the country, but it has not any trained nurses in its work. The head of that bureau, while the whole country respects her and admires her and knows of the great service she is rendering, is not trained in this particular work as an expert.

So, as I said, it would seem to me upon first blush that the Public Health Service could render greater service than the Children's Bureau, and that is why I sought the information from the Senator.

Mr. FRANCE. As I have stated, I think that there is much to urge in defense of the view which the Senator entertains, but upon the other hand I feel that the plan provided in the amendment is the plan which looks to cooperation between the Children's Bureau, under which this work would naturally fall, and the Surgeon General of the Public Health Service, the Surgeon General of the Public Health Service acting on the advisory committee. It seems to me that is really the proper distribution of the administrative powers, the Children's Bureau actually carrying on the work, the Surgeon General acting upon the advisory committee.

Mr. HARRISON. But the work that the Children's Bureau will be doing under the provisions of the bill will be quite unlike the work it is now performing. If it is a sentimental reason merely to have a lady at the head of this service—and I think there ought to be a woman at the head of the work—why not make her an assistant in the Public Health Service and put her at the head of this work? It does seem to me it would be economy, and that we could get more out of the bill by putting it under the Public Health Service than under the Children's Bureau.

Mr. HITCHCOCK. If the Senator will yield, I think I can suggest a good reason why the bill should remain as it is, making the Children's Bureau the administrative agency for this work.

The Public Health Service has apparently taken no interest in the matter and has voluntarily yielded the field to the Children's Bureau. The Children's Bureau is the only agency, so far as I know, which has made any move in this direction. It has begun by the publication of documents, one of which I have in my hand, and it has already, as far as it had the power and



ability, entered upon the work of looking after this important matter.

It seems to me, therefore, that rather than call in expert medical authority and call upon a bureau or service which is already overburdened with very important duties, it would be better to leave it, as the bill proposes, in the hands of the Children's Bureau, that has already undertaken the work.

Mr. HARRISON. Is that an official document issued by the Children's Bureau?

Mr. HITCHCOCK. It is gotten out by the bureau. It is one of the publications of the Department of Labor.

Mr. HARRISON. It is not propaganda to bring about the passage of this particular bill?

Mr. HITCHCOCK. It is a document which shows they have gone extensively into the gathering of statistics, not only domestic but foreign, and made a study of the subject and have used the influence of the bureau for the purpose of protecting child life. I think under the circumstances it would be rather a mistake for Congress to step in and withdraw the matter from the administration of the Children's Bureau.

Mr. HARRISON. As I understand the Senator, the Children's Bureau is now issuing official documents to promote the care of infants and mothers in maternity.

Mr. HITCHCOCK. This is entitled, "Save the young. Seven charts of maternal and infant mortality in the United States, with explanatory comments." It is a public document, for public information, intended to promote greater care in the treatment of infants and of mothers. I think it would be rather a mistake under these circumstances, without any consideration, to withdraw the matter from that bureau. To my mind, too, it is a matter which comes more properly under the head of social welfare. Its work would hardly require any considerable amount of medical expert treatment.

Mr. HARRISON. If the Senator will permit me, I notice that the bill provides for hospital care.

Mr. HITCHCOCK. It may.

Mr. HARRISON. It provides in remote areas for nurses to take care of the mothers and the infants.

Mr. HITCHCOCK. The Senator realizes that there is growing up now a practice by which wives expecting to become mothers go to a hospital for that purpose. I do not imagine this provision means anything more than the ordinary use which women make of hospitals. To my mind it is more a matter of nursing, more a matter of milk supply, more a matter of promoting the ordinary hygienic practices which any intelligent people know how to use without calling in a physician.

Mr. HARRISON. If the bill stops at that, the Children's Bureau, it strikes me, could function, and very properly function; but when they have to employ trained nurses and do this hospital work, they have evidently got to go and get a corps of trained people.

Mr. HITCHCOCK. The Senator is laboring under a misapprehension. It is proposed under the provisions of the bill that each State will employ nurses under the supervision and guidance of the Children's Bureau.

Mr. HARRISON. But this bureau must approve everything that the State recommends before anything can be done by the State. There must be complete cooperation there.

Mr. HITCHCOCK. I understand the Senator in charge of the bill, by accepting the amendment of the Senator from Montana [Mr. WALSH], has already recognized the fact that the State authorities are the ones who are to administer the bill—that is, to apply it in each particular State—and I think that is a very important safeguard.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Mississippi yield to the Senator from Montana?

Mr. HARRISON. Certainly.

Mr. WALSH of Montana. I was rather astonished by the statement just made by the Senator from Mississippi to the effect that the State can do nothing, not even the hiring of a nurse, without the approval of the Federal board.

Mr. HARRISON. No; the policy to be outlined by the State, I understand, must be approved by the authorities here.

Mr. WALSH of Montana. I do not so understand it. I understand that when a State meets the requirements of the bill it gets the aid; that is all.

Mr. HARRISON. Is it the understanding of the Senator from Montana that the way the money is to be used by the States is not to be approved by the authorities in charge of the work here in Washington?

Mr. WALSH of Montana. I see nothing that so provides at all. The State gets the money when it establishes a board and meets the requirements of the bill.

Mr. HARRISON. I think that is the way it ought to be.

Mr. WALSH of Montana. If it is not, I agree with the Senator from Mississippi.

Mr. HARRISON. I had the impression from reading the bill, and I have not given it the study that I should, that there was a complete cooperation here between the Federal Government and the States, and that the plan which was promulgated by the State must be approved by the Federal authorities.

Mr. WALSH of Montana. True, but it is understood that the operations are to be carried on by the State. I should have called attention, when I was speaking before, to a very specific provision found in section 2. I read from line 12:

That there is also authorized to be appropriated for the use of the States, subject to the provisions of this act \* \* \* \$2,000,000—

And so forth.

That is appropriated for the use of the States. The Federal board, it is true, is directed to cooperate with the State authorities, and it does seem to me it would not be cooperating with the State authorities if the State authorities desired to hire a nurse and the Federal authorities could say, "No; you can not do that." Of course, if the Federal board is given the power to put a veto upon every detail that the State board may choose to enforce or require, you might just as well abolish the State board and put the whole administration in the hands of the Federal board here in Washington. I do not so understand it, I will say to the Senator.

Mr. HARRISON. I agree thoroughly with the Senator in what should be done, but I think the language of the bill is not very clear along that line.

Mr. SHEPPARD. May I say to the Senator from Mississippi that the bill was largely prepared in the Children's Bureau. It is the outgrowth of the work and experimentation of that bureau, the development of facts which grew out of investigations made by that bureau in the course of its official work.

Inasmuch as it is a logical outgrowth of the work of the Children's Bureau, I believe it to be more advisable to leave it under the supervision of that bureau.

Mr. HARRISON. Mr. President, I dislike very much to put myself in the attitude of opposing whatever the Children's Bureau desires, but if we really mean to accomplish what it seems we desire to accomplish by this bill, if we desire that this bill shall render some service in promoting the care of infants and their mothers, we ought to go about it, it seems to me, in the best way. The Public Health Service has its experts; it has experts on all matters pertaining to health, while the Children's Bureau have not. For that reason, it struck me that the amendment offered by the Senator from Utah [Mr. KINE] was a very sensible amendment.

If the bill did not go any further than, as suggested by the Senator from Nebraska [Mr. HITCHCOCK], in diffusing information such as that contained in the document which has been issued by the Children's Bureau, it would be right to lodge these powers there; but when it is proposed to enter the field of hygiene in cooperation with the States, to employ nurses, act in conjunction with hospitals, and go out into remote areas and render the service, it seems to me that the best agency to function and to function well is the Public Health Service.

Mr. RANSDELL. Mr. President, I rise to corroborate the opinion expressed by the Senator from Montana [Mr. WALSH]. I have been supporting the pending bill as strongly as I knew how to support anything, but if I thought that we were to have a great bureau here in Washington telling the people of my State what they should do with the money provided, I should oppose the bill just as vigorously as I am now supporting it. I do not conceive the bill to be framed along that line at all. I think the bill contemplates that the Children's Bureau shall aid in carrying on this great work, which all of us believe so important, but that the money shall be expended by the various States without any very material interference from Washington; and that there will be preserved to the States all the rights which should properly be preserved to them. If I were not firmly convinced of that fact I should not be supporting the bill. With that idea in view I can not see why we should not permit the Children's Bureau to take charge of this matter instead of the Public Health Service.

The Children's Bureau, Mr. President, will cooperate in an educational way, in a helpful way, with the authorities of the various States. It certainly has displayed in the past, as the Senator from Nebraska has demonstrated, a great deal more interest in this particular question than the Public Health Service has displayed. I am not saying anything against that service, however. It is one whose activities have been marvelously beneficial to the Nation, and it has on its hands a great deal of necessary work to perform all the time. It is as

busy as it can be, and there is no reason why we should load it down with this additional duty.

I feel very strongly on the subject, Mr. President, that we should leave the bill as it was prepared by the committee, and I believe that if its provisions are carried out in the spirit of its conception it will do immense good and will not in any way interfere with any of the rights of the States.

Mr. HARRISON. May I ask the Senator a question before he takes his seat?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. RANDELL. I yield.

Mr. HARRISON. It appears that I am the only Senator who has any doubt about this proposition. On page 7 there is an amendment which has been put in by the committee which reads:

That the cooperative work in promoting the care of maternity and infancy shall consist of instruction in the hygiene of maternity and infancy through public health nurses, consultation centers, and other suitable methods, and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas; and this work shall be carried on in such manner as may be mutually agreed upon by the Federal board and any State receiving the benefits of this act.

In other words, if a State receives any money, the Federal board must agree with them as to the manner in which it is to be used.

Mr. RANDELL. In a general way, that is correct.

Mr. HARRISON. Yes.

Mr. RANDELL. The Federal board will have studied the whole question not only with the light of its investigations in this country, but in all other countries. Other countries as well as our own have dealt with this subject, and with the information which the board will have as a result of its investigations throughout the world it will be able to prevent the States from making mistakes.

Mr. HARRISON. Does the Senator from Louisiana believe that the Children's Bureau is better versed on hygiene and sanitation and matters affecting maternity and the care of infants than is the Public Health Service?

Mr. RANDELL. I am inclined to think that it is better versed on those subjects and will make a much more detailed investigation of the particular subject than the Public Health Service will make. I feel that to be so.

Mr. WALSH of Montana. Mr. President, I am quite sure that there is some justification for the position taken by the Senator from Mississippi [Mr. HARRISON] in the language of the amendment to which he has called our attention and to which I had been giving some study just before the Senator spoke.

I can not see why that amendment was ever put into the bill. It is, as Senators will observe, a substitute for the language of the bill as it was originally reported. I do not think that any confusion of thought can possibly arise concerning the matter under the bill as it was originally framed; but there is some ground, I am free to admit, for the contention made by the Senator from Mississippi that under the provisions of the amendment the State authorities might be blocked in what they wanted to do by a refusal of the Children's Bureau to agree with them upon the method of procedure. Of course, if the work is to "be carried on in such manner as may be mutually agreed upon by the Federal board and any State receiving the benefits of this act," and there should be a disagreement between the State authorities and the Children's Bureau, the work could not be carried on in accordance with the provisions of this particular amendment. The bill as originally introduced provides that:

SEC. 8. That any State desiring to avail itself of the benefits of this act shall, by its board described in section 4, submit to the Federal board detailed plans for carrying out the provisions of this act. These plans shall include the provisions to be made in the State for the administration of the act.

Then follows language somewhat similar to that incorporated in the amendment:

The provision of instruction in the hygiene of maternity and infancy through public health nurses, consultation centers, and other suitable methods, and the provision of medical and nursing care for mothers and infants at home or at a hospital when necessary, especially in remote areas. If the Federal board finds these plans to be in conformity with provisions and purposes of this act, due notice of approval shall be sent to the State board.

That is to say, the State must submit a general plan of what it is going to do in that direction. I think possibly the last sentence might be eliminated. That is also in accordance with the plan of the good roads act. Under that act the State applying for the aid submits to the Department of Agriculture exactly what kind of a road it is going to construct, how it is going to construct it, and so on, and if it meets the general

rules of the Department of Agriculture the aid is extended. I do not think that the bill is in any manner improved by the amendment proposed by the committee, and I submit that to the consideration of the Senator having in charge the bill and of the author of the bill.

Mr. FRANCE. Mr. President, as I read the language of the original bill and of the amendment proposed by the committee, I do not feel the language proposed by the committee amendment materially alters the bill, although I do realize that there is much, of course, in what the Senator from Montana has said. So far as I am concerned, I would be very willing, if a majority of the Senate should feel so inclined, to have the original language stand instead of the committee amendment which we have proposed.

Mr. MCKELLAR. Mr. President, I hope the Senator will agree to that and let the bill go through as it was originally planned. I think it would be much better if we can agree to let the bill go through as it stands all along the line, including the placing of its administration in the hands of the Children's Bureau. I trust, therefore, that the Senator from Mississippi will withdraw his objection to its being placed under the jurisdiction of the Children's Bureau.

Mr. HARRISON. Mr. President, my objection, perhaps, is not very consequential. The Senator from Utah made the motion, and it struck me as a very sensible amendment, and that, if adopted, greater service could probably be rendered under it than in any other way. If those who have made the fight for this proposed legislation, and those who are most interested in it—and they are all able—believe that the greatest service will be rendered if it is administered by the Children's Bureau, of course, that is all right; let them have their way; but it has struck me that the proper way to have this great service performed was through the Public Health Service, and for that reason, if the Senator from Utah insists on his amendment, unless I am convinced to the contrary, I shall vote for his amendment.

Mr. MCKELLAR. Mr. President, I hope the Senator will vote down the amendment of the Senator from Utah. This bill has been carefully prepared by the committee and those interested in it. In my judgment, its administration by the amendment of the senior Senator from Utah [Mr. SMOOT] will be put into the hands of the very best organization to effectuate and carry out its purposes. That organization is made up of those who believe in the measure, who are heartily for it, who are making a fight for it. Of course we know, nationally speaking, that it is an experiment, but why not put it in the hands of those who have taken an interest in it and who we know will continue to have an interest in it rather than put it into the hands of a bureau that may not want it? The Children's Bureau will take great interest in it; it is just as capable of managing and controlling it as is the Public Health Service, and I imagine very much more so. The bill deals with matters peculiarly affecting women and children and the bearing of children; it is a woman's measure; it is for the benefit of the women and the children of the land, and by all means its administration should be put in the hands of the Children's Bureau.

Of course, if we contemplate carrying out the details of the plan, the work will be carried on whether we put it in the hands of the Public Health Service or place it in the hands of the Children's Bureau. I wish, however, to appeal to the Senator from Mississippi to withdraw his objection to the bill as drawn and amended or to be amended, and to the Senator from Utah [Mr. KING] who has offered the amendment to withdraw the amendment. If we are going to pass this bill, as I think we ought to pass it, let us put the machinery which it provides in the hands of those who will make something out of it, who are interested in it, and who believe in it, and do not let us put it in the hands of an organization without knowing whether that organization will take any interest in it or not. That organization has already many other matters to look after, and I think it would be a much wiser and better plan to leave the administration of this proposed act in the hands of the Children's Bureau.

Now, just a word or two about the amendment reported by the committee. Like the Senator from Montana [Mr. WALSH], I am rather sorry that the wording of the original bill was changed by the committee. It seems to me that the original provisions of section 8, which the committee have recommended be stricken out, are full and ample and would be more workable than the amendment which has been suggested in lieu of it by the committee.

The trouble with the amendment—and I appeal to the chairman of the committee in reference to that—is that if you adopt the amendment you are likely to have trouble arising between the national authorities and the State authorities. Whenever



a provision of this kind is put in a bill it means that the authority and powers of the States are interfered with, and without reason, for Congress always has the power to make the appropriations, and that in itself gives enough power to the National Government. It can make these appropriations; it can appropriate the moneys provided for in this bill from year to year. It has to do it. They can be withheld if the State authorities do not do the right thing, and the State authorities know that. Now, to put in a provision that it must be made acceptable to the Federal board, in conformity with the rulings of the Federal board, is putting in a clause that is going to bring about some trouble, and unnecessarily, as it seems to me, because nobody knows better than the State authorities that it depends upon their action as to whether these aids will be continued by the Congress.

I sincerely hope the bill may pass. We are spending millions of dollars every year on far less deserving projects. We gave one hundred millions to starving, or alleged starving, people in Europe last year. Surely we might give this small sum to aid a cause like this at home. We are asked to spend a billion or more for war this year. Surely we might devote a million or two of that vast sum to save our women and infant children at home.

Mr. BRANDEGEE. Mr. President, will the Senator from Tennessee let me ask him a question?

Mr. McKELLAR. I have completed what I wanted to say, but I shall be delighted to answer any questions I can.

Mr. BRANDEGEE. It was in relation to the point made by the Senator, and therefore I thought it proper to direct the question to him.

Mr. McKELLAR. I shall be very glad to have the Senator do so.

Mr. BRANDEGEE. The language stricken out at the top of page 7 provides that—

If the Federal board finds these plans to be in conformity with provisions and purposes of this act, due notice of approval shall be sent to the State board.

Does not that give the Federal board the same authority to refuse the plan proposed by the State that the language in italics, which is the amendment proposed by the Senate committee, does? In other words, it seems to me that under the three lines stricken out, to which I have referred, all that the Federal board would have to do to compel the State to agree to their plan would be to say that, in their opinion, the plan proposed by the State was not in accordance with the provisions and purposes of the act.

Mr. McKELLAR. I very frankly admit that there is force in what the Senator has stated. However, if I may point out what I believe to be a difference, it is this: In the first place, it looks as if the plans are to be made in conformity with this law by the State authorities.

Mr. BRANDEGEE. Yes; but if the plan made by the State board and submitted to the Federal board should not be in harmony with the plan adopted by the Federal board, they, of course, would say that, in their opinion, it did not meet the purposes of the act, because the provisions that they are going to make are going to be for the purpose of carrying out the purposes of the act, presumably, in the best manner that they think they can be carried out.

Mr. McKELLAR. Now, let me ask the Senator a question: Does he think that they would decline? I think it very doubtful, though the plans were not approved absolutely. I think that the Federal board would be very likely to make suggestions, and state what would be approved, and the State authorities would be very likely to agree—that is, under the first provision, under the one that was stricken out. Under the second provision, it is a good deal stronger the other way. It says that—

This work shall be carried on in such manner as may be mutually agreed upon by the Federal board and any State receiving the benefits of this act.

There is not so much difference between the two as I thought there was when the Senator first called my attention to it. I think it would be better, though, to leave it as it was originally.

Mr. BRANDEGEE. I am inclined to agree with the Senator that the original language is preferable; but I will say this in reply to the Senator's question about what I think the board would do: He asks whether I do not think the board would be inclined to defer to the States in the matter in the interest of good administration. No; I do not. I think the board would be like most Government boards, and like most human beings who are charged with the execution of any duty. If they were fit for their business and interested in it, they would have very positive ideas about a plan to be pursued in cooperation with the States, and they would not be very competent for

their positions if they did not. They would have clear ideas about it, and in my opinion the idea of the people who are urging the passage of the legislation is to standardize the procedure under this machinery which is to be set up, so that Louisiana can not have one plan and one method of aiding the mothers and children of that State and Oregon have another.

I think the purpose in the minds of the members of the board and in the minds of the promoters of the bill is to have this thing function from Washington, and to have the ideas of the board in Washington—the board which the Senators who have urged this legislation praise and say would be specialists in the thing—prevail as to the administration of this joint Federal and State cooperative effort. The Washington board, the administrative board, would be the recipient of the ideas of the people and the local branches all over the country, and in the end the Federal determination of the matter would be supreme.

It is inevitable. They get their appropriations from Congress. Although the States might want to discontinue the service, they could not do it. Congress, if it appropriated or withheld the appropriations, would be the master of the thing, and the master of the whole scheme would sit here at Washington.

In saying that I am not attempting to detract from the merits of the bill, because this and other related subjects are in themselves most commendable. The only question that ever entered any Senator's mind, I assume, as to whether he should vote for this sort of legislation or not, is whether he thought it was more legitimately a part of the Federal Government's activities or more legitimately a part of the activities of the several States. But if this bill passes I do not believe there is any Senator who has so recently arrived here, or who has learned so little about the operations of governmental departments, that he can for a moment think that any State can have its way about the administration of this law, irrespective of the Government or the plans that the other States have agreed to, except by retiring from the plan.

As long as the State participates with the Federal Government it has got to fall into the plan of the Federal Government. The majority of the States will do so. They will not want any quarrel with the Federal board; and the object of this and all similar bills is to standardize the method, to standardize the public health, to standardize the sanitary appliances and rules.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BRANDEGEE. Certainly.

Mr. McKELLAR. Does not the Senator think that it would be best for the interests of these mothers and children that the best methods of handling them should be obtained? Will we not get the best results in that way?

Mr. BRANDEGEE. Certainly; the only question is, Who is the best judge as to what is the best method?

Mr. HARRISON. Mr. President—

Mr. BRANDEGEE. The only question is whether the board in Louisiana, that knows the mothers and babies in Louisiana, is better adapted to prescribe the method and the kind of care that they need or whether the Federal board here is better qualified, and whether the standards and whether the methods should be the same in all the 48 States, irrespective of the different conditions which prevail.

Now, I do not expect to oppose this bill. I expect to vote for it, but I can not do so without saying this:

I know that it is—I will not say the forerunner, because there have been other bills that foreran this—but it is one of a series of proposals that are to be brought before Congress by which the National Government is to be put in charge of things heretofore managed by the people of the several States and the cities, and the National Government is to take the lead and to put up at least half of the money and to take the responsibility of the administration. The people of the States, if there be any such, who think they are getting something out of the National Government, something extra, something that will not come out of their own people, of course are mistaken. The State will tax its citizens for its share, and then the National Government, in order to get its share, will simply tax the States over again for the National Government's share.

The States are going to pay for this thing; the people of the several States are going to pay for it, whether it is done by the States or the National Government, or half and half, the National Government and the States.

But what I started to draw attention to is this, Mr. President: All these things involve, in my opinion, the fundamental consideration of what is the province of government. Now, it may be, and I think it is coming to be held, that it is the

province of the Government to give every person a living, to see that he is comfortable, to see that he has food and clothing and housing and medical attendance. If he has been unfortunate in the world, or is poor, or has been sick and has not the money, then there shall be a Federal board appointed, and the people of all the country shall be taxed to furnish him with coal and food and clothing and a house and attendance; because there can be no difference in principle in furnishing medical men and nurses and medicines and hospital appliances to mothers and children who are in need of them and in furnishing them with coal and clothing and proper housing conditions. Those who would bring children into the world and see that they are attended to when they are babies, that they have sanitary appliances in the processes of birth and their infancy, would be doing those infants a very small favor if, after they were properly born and put into swaddling clothes, they were abandoned to starvation and freezing, and liable to be put outdoors and endure the inclemency of the season.

So I say that if the principle of this bill is correct, and if the Government admits that it is its duty to go thus far in furnishing medical attendance and nurses and other proper assistance so that the babies may be born under good conditions, then it seems to me it is equally the Government's duty to see that they do not suffer when they get to be a little older, a month or a year older.

Of course, infancy, as alluded to in this bill, is undetermined in duration, unless it be the time which the law gives to the word "infant," which is until he is 21 years of age. If all the boys of the country are to be cared for by the Government until they get to be 21 years of age, the other people will have to abandon the 8-hour law, and work harder than they have ever worked before to support them.

That is an extreme case, and I do not suppose any Federal board would so rule. But you have a bill with such general terms in it as that. And of course this board, under the general terms of the bill, has to be pretty nearly absolutely a law unto itself. There is no appeal from its doings or its decisions, except where the board cuts a State off from its pro rata share of the appropriation, and then the bill says the State board may appeal to Congress. Of course, anybody can appeal to Congress, but if Congress is to stand here and reverse the decisions of a Federal board every time it disagrees with a State board, or to act as a court of appeals to sustain them, it would not be very efficient administration, Mr. President.

As I said, there is a whole line of questions in contemplation, and it may be that if the Government is to be a maternal government as well as a paternal government, there is no getting-off place for us. I recognize the force of the statement that if it is the duty of the Government to appropriate the people's money by the millions for the eradication of hog cholera, and the boll weevil, and the cattle tick, and the wheat rust, and everything that does damage to anybody, it is equally the duty of the Government to furnish proper treatment for sick people.

The Agricultural appropriation bill, Mr. President, would have been considered by most statesmen and public men and lawyers and writers upon governmental subjects 20 years ago as a chamber of horrors. Nobody knows whether the appropriations in that bill, which have been criticized upon the floor of the Senate year after year, but still go through, are constitutional or not. Everyone recalls the gamut of subjects for which we appropriate, field agents to go around and instruct the women on the farms and remote places of the country who are not supposed to know about home economics, how to take care of the kitchen, how to cook, how to make pies, apple sauce, cottage cheese, and so forth. Everybody is doing it and there is no end to it, and, as I said, I see no reason for anybody to criticize this bill or any bill which may succeed it, or any proposition which may come to us, if the appropriations in the Agricultural appropriation bills conform to the provisions of the Constitution.

This is a most commendable subject. Nothing could be more important than that the helpless infants, born into the world, should be properly taken care of. There is no comparison, of course, between taking care of the future citizens of the country, if they can be brought to maturity, and the taking care of our animal or vegetable life. So, holding to the kind of governmental ideas that I have absorbed during my life, I regret that the people do not want to do these things for themselves in their own localities, but prefer to shove them off on the Federal Government at Washington. While I think they were mistaken in starting upon that policy, while I think that not only are they abandoning their right to local self-government and home rule, which I believe is the strength of the citizens of this country, and of the country itself, still they appear to be willing to do

it. Some of them, I think, are enticed by the prospect of getting something out of the Treasury which they think comes out of the United States Treasury without coming out of the pockets of their own citizens. They are dazzled by these large sums which are shown to them all at once, all collected from the Treasury of the United States, and are told, "Just match this, and you have twice the money you could raise from your own State, and half of it is money out of the Government." They have sold their birthright for a mess of pottage, so to speak.

I regret that these humanitarian efforts are not concentrated at home upon themselves, for I think that each State, if the effort were brought upon it, and each State legislature could be prevailed upon to appropriate the money necessary to care for the sick and the poor and the needy in that State, and if they do not want to do it they are not only heaping a load upon the Federal Government which endangers its existence but they are heaping a load upon Congress in the annual appropriations for these purposes, and in the levy of the taxes to provide the money, which is making all sorts of dissatisfaction in the country, and the country does not understand the cause of it. The country, bowed down with taxation, which everybody now is begging us to relieve it from, at the same time is demanding in stentorian tones that we lay more taxes for the purpose of putting the Federal Government into these channels, which, in my opinion, the framers of the Constitution never for a moment contemplated that the National Government should enter upon.

But, worse than all the financial obligations which are imposed by this policy, in my opinion, is the fact that it takes away the capacity of the people at home to govern themselves. They want everything done by Congress now, and then complain that it is not done properly. It diminishes the sense of responsibility by the voters at home to have the Federal Government enter into all these things which they used to manage for themselves.

It may be that the Federal Government will do it better—I do not know; but, as I said, these being very commendable things, and the Government having decided to do them, there being precedents for it, really I do not see how anyone can vote that it is the Government's duty to cooperate with the States in building highways, which is a commendable purpose, but it is not the duty of the Government to cooperate with the States in protecting the people from disease or in taking care of the children.

Mr. KING. Will the Senator permit a suggestion there?

Mr. BRANDEGEE. Certainly.

Mr. KING. Mr. President, the Senator of course recalls that under the Constitution the Federal Government has the right to build post roads and military roads, and it has been held by many strict constructionists of the Constitution that under that constitutional authority the Federal Government may make appropriations for the construction of highways, post roads, and military roads—that is, highways for post roads and for military purposes, and that in the execution of that constitutional authority it may collaborate with the States. It seems to me that the power of the Federal Government with respect to the construction of post roads and military roads may not be challenged. Yet, in conceding this authority to build roads and highways, this authority is to easily be distinguished from its authority to make appropriations for the health of the people. It occurs to me that if there is any duty resting upon the States it is the duty of educating the citizens within the States, and if the obligation rests upon the State of caring for the poor and the needy and giving succor to those who are in need of financial or other aid, that it can not be transferred to the Federal Government. There is authority for the construction of roads, but there is not authority, it seems to me, or at least it does not occur to me at present, for the Government to make appropriations to build hospitals and to furnish medical aid and assistance to the people within the States.

Mr. BRANDEGEE. Of course there is no question of the constitutionality of Congress having the power to establish post roads; but that is not what I am talking about, Mr. President. I am talking about the Bankhead good roads bill, which was not designed for post roads or to carry the mails, nor for military roads, but was designed for the high rollers who want to roll over the country on rubber tires, and every automobile club in America was back of it, and they started it and originated it. It was not confined to trunk-line roads between the States, which would promote interstate commerce, but there was a corollary to it, if I remember correctly, which applied to the building of intrastate roads, right in the States themselves, and little roads leading to the farms.

The argument was that the farmer who did not happen to have access to one of the big trunk lines to be built was just as much entitled, by reason of the taxes he paid, to have a good



road coming to his farm, so that he could market his vegetables and save horseflesh and wear and tear, as were other more fortunately situated men.

I regard the Bankhead good-roads bill, be its merits what they may, as the prototype of this legislation. It was a very ready refuge and shield of those who were met by decisions of the courts, that the Federal Government could not walk into the States and absorb the police powers of the State because it gave them an alternative by which, under the cooperation between the Federal Government and the several States, the Federal Government could be eventually made the director, the standardizer, and the promoter of all these things. Mr. President, I predict that in time every one of the States which rejoices in the receipt of the Government stipend in the beginning of the operation, under one of the bills founded upon this pattern, in the end will come here and say, "You have loaded us down with taxation which we, as poor States, can not any longer stand, and we demand that the Federal Government assume the entire expense of this work." A Senator remarked on the floor yesterday or the day before that some of the States were demanding that the Government's duty was to build the roads of the country and to pay for them exclusively. And why not, they ask? Are not these highways? Are not the citizens of one State, as well as of another, entitled to travel freely over all the highways in the United States? Is it possible to differentiate the amount of traffic in interstate commerce from one State to another, in these days of the automobile and the motor truck, from the intrastate traffic over the road confined entirely within the limits of the State itself?

So I predict that they will be here saying the entire expense of the good-roads movement, of this bill, meritorious as its object is, for the protection of mothers and their infants, and of other bills of a similar nature which we are advised are to follow, should be assumed by the Federal Government; and that then, when they have drawn in the majority of the States, tempted by the bait that in some way they are getting something for nothing out of the Federal Government, having standardized the operation of the business and having a majority of the States, then a constitutional amendment will be brought in here to make it constitutional to compel the other States to come in, whether they want to or not, and join the procession which started as a voluntary matter entirely. The States which offered themselves as volunteers in a good cause will then militantly demand that the States which are so backward or sullen, in the opinion of the volunteer States, as not to appreciate the blessings of this great national reform, will be drafted and conscripted under a constitutional amendment, willy-nilly, to join the noble procession.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BRANDEGEE. Certainly.

Mr. McKELLAR. It is not obligatory upon any State to accept these things.

Mr. BRANDEGEE. Oh, I did not say that it was.

Mr. McKELLAR. Or anything in the bills to which the Senator refers.

Mr. BRANDEGEE. No. The Senator evidently has not followed my prediction. I say they are volunteers at first, willing volunteers, volunteers for the bounty they will get out of it. They think it is coming out of the Federal Treasury and not hitting their own citizens. Then, when they volunteer, they point the finger of scorn at the slacker State which declines to come into the uplift movement ratified by the Federal Government, and they will propose a constitutional amendment. Then we will have the same forces that are compelling the passage of this and similar bills let loose upon the legislatures of the several States, just as they were when they adopted the national prohibition amendment. There is not a legislature of a single State that can or will stand up against that pressure, although the people of the State may be utterly opposed to that action of their representatives in the legislature.

Mr. McKELLAR. The Senator speaks of the prohibition amendment. It is true that we have adopted that, but the Senator would not undo it to-day?

Mr. BRANDEGEE. No.

Mr. McKELLAR. Is it not a wise and beneficent amendment?

Mr. BRANDEGEE. I did what I could to prevent its adoption at the time, and I shall always be proud of it, because I think it was an outrage to amend the Constitution of the United States in a matter of that kind involving the personal habits of the people at home in their daily life, for the Nation to make a constitutional amendment of what ought to be a statute or an ordinance, a sumptuary ordinance, putting it basic-

ally in the Constitution and compelling great cities and States, who did not want to pattern their lives after the rule prescribed by two-thirds of the Congress or three-quarters of the legislatures, to act, not by their own votes but by the votes of one legislature which ratifies the amendment and then scatters to shelter.

A constitutional amendment in a matter of that kind never was dreamed of until recently—a constitutional amendment made by the votes simply of legislatures, including this one, no governor participating in it, no President participating in it, no executive of any kind having the veto power of the acts of the Congress or of the State legislatures, no submission to the people, either of the country or of any State or city, put across on the people without half their knowledge and without their consent. God save the mark, if we are to continue to make the Constitution of the United States the fundamental law of the land, the vehicle for governing one-quarter of the States against their will, although they may be the biggest and richest and most powerful in the Union, at the whim of three-quarters of the other States' representatives.

Mr. OVERMAN. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from North Carolina.

Mr. OVERMAN. The Senator from Connecticut introduced a constitutional amendment, I think, providing that no amendment hereafter shall be adopted unless by a vote of the people. I think that would be a great amendment for us to adopt at this Congress. It would save a great deal of trouble in the future. It seems to me that the passage of that joint resolution would be good legislation.

Mr. BRANDEGEE. I did introduce a joint resolution proposing the amendment to provide, as to future attempts to amend the Constitution of the United States, that the Congress might submit the amendment to the electors of the several States as well as to the legislatures or the conventions held in them. I think it is a wise thing to do. The Judiciary Committee reported it favorably and it is on the calendar. I had it up for consideration several times at the last session of Congress, but inasmuch as we were just freshly emerged from two constitutional amendments which had not been submitted to the people, I did not want anyone to think that that amendment, which I designed to apply to the future solely, should be thought to apply to the past or in any way to be in derogation of what had already been done.

That proposed amendment to the Constitution is still on the calendar, and I hope, when the Senate can devote the proper time to its consideration, to call it again to the attention of the Senate, for it is an important matter and ought to have due consideration and not be put through when there is simply a handful of Senators on the floor.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. BRANDEGEE. Certainly.

Mr. THOMAS. I am largely in sympathy with the purpose sought to be subserved by the proposed constitutional amendment, but let me ask the Senator if the last two amendments were adopted in any other manner or by any other process than was utilized in the adoption of the first sixteen?

Mr. BRANDEGEE. Oh, no; they were adopted in a perfectly constitutional manner. I have no criticism to make upon that. They are just as much a part of the Constitution and just as valid as the original Constitution or as the Bill of Rights, or the first 10 amendments. The point I make is that I did not then believe—it is immaterial now, because it is in existence—and I do not now believe that the Constitution of the United States, being the great charter of our liberties, as describing what kind of a Government we have here, dividing and separating the powers of the Government into its coordinate branches, describing what shall be the power of each, guarding public rights, guaranteeing that private property shall not be taken for public use without just compensation, and fundamental things of that kind, almost logical conclusions from Magna Charta—I do not believe that great instrument should be made the repository for sumptuary laws.

I do not think we ought now to attempt to amend the Constitution by putting into it the Sabbatarian blue laws of the ancient Puritans. I do not think we ought to put into it a curfew law saying what time the people of the different States shall go to bed nor what they shall eat nor how many pieces of mince pie, without any hard cider in it, they shall be allowed for Christmas dinner.

Mr. THOMAS. Does not the Senator know that the contention is—and that contention is largely supported by previous and pending legislation—that the National Government through

Congress has the power to do all those things under the Constitution as it now exists?

Mr. BRANDEGEE. Yes, I agree; and I shall not be surprised to see the attempt made, but I say I do not believe that such a class of subjects affecting the people in their daily life, in trivial matters, should be put into the fundamental law of the land where, if the people in the practice of the things find they do not work or are offensive and outrageous, they can not be repealed.

Mr. THOMAS. I fully agree with the Senator.

Mr. BRANDEGEE. A sumptuary law, meaning a law providing what may be consumed in food or drink, should not be dignified and made a plank in the great national charter defining our liberties; but it has been done. Human beings are so constituted that if a certain schedule by which they are to regulate their daily conduct does not work or gives more trouble than it does good, they ought to be able to have it repealed; but when you get a constitutional amendment, which requires not only a two-thirds majority of both branches of Congress concurring but the affirmative vote and approval of the legislatures of three-quarters of all the States, and it is then embedded in the fundamental law of the country, if it does not work in certain sections of the country it is impossible to get three-quarters of the States to reverse their decisions and two-thirds of both branches of Congress to reverse their decision. Inasmuch as sumptuary laws and statutes regulating daily conduct are liable not to work as anticipated, inasmuch as they are largely experimental, they ought to be passed by bodies where, if the experiment does not work, the body can repeal them or modify them. They ought not to be put in the Constitution.

But I say that water is all over the dam. I do hope that in the future we can amend the Constitution by the amendment to which the Senator from North Carolina refers, so that in the future the Constitution of the United States shall not be amended except by vote of the electors of the several States, so that the people can have something to say about the making of their own Constitution and not have to rely entirely, as they do now, upon the votes of the legislatures.

Mr. President, it seems that we can not consider any bill without dragging in the poor old Constitution. Nevertheless, I did not drag it in; but now that it is in, I want to pursue just for a moment that subject.

The constitution of no State in the Union can be amended without submitting the proposed amendment to the electors of that State, but the Constitution of the United States, preeminent over them all, can be amended simply by the vote of Congress and the State legislatures, without submission to any elector in a single State in the Union; and when so amended the Federal Constitution ipso facto amends every State constitution which itself is incapable of amendment except by a vote of the electors of its own State. That presents, to my mind, a perfectly anomalous state of affairs and an undesirable state of affairs.

Mr. President, I have said all I want to upon that phase of the question. I rose simply to call attention of the Senator from Tennessee [Mr. McKellar] that, in my opinion, there is no substantial difference between the amendment proposed by the committee on pages 6 and 7 and the provision of the original bill. It is perfectly immaterial to me which is adopted. I think the same results will flow.

Mr. KING. Before the Senator resumes his seat, I desire to say that I understood the Senator to state, in answer to an inquiry propounded to him by the Senator from Mississippi [Mr. Harrison], that operations under this bill would be standardized in all of the States; and he expressed his approval of a policy that would lead to the standardization of the methods by which the bill would be enforced.

Mr. BRANDEGEE. No; the Senator from Utah misunderstood me.

Mr. KING. I am very glad to know that.

Mr. BRANDEGEE. I say that I think the object of the promoters of the bill is to standardize its administration, and that the inevitable determination of the Federal board in operation would be to standardize it, for I do not think a Federal board will want to see a scheme which they may adopt for New York State said to be improper for some other State. Their object will be to have a uniform set of rules as to health, hygiene, sanitary administration, and everything else; everything will be standardized from their office. The field inspectors and agents that will be sent out to visit the families of the country will have the same instructions in their pockets; every blank and every circular that is printed will be standardized and will be known as Form 1, Form 2, Form 3, and so forth. The whole thing will work in national scope, as is the case with everything

that the Government has anything to do with. The advertising and the circularizing and information bureau and printing press and propaganda system—if that is a proper word to apply—will be standardized, just as in the case of the Forestry Bureau and in the other bureaus which went to such excess—no limitation having been put upon them as to their expenditures for the circulation of the ideas of the central authority—that, if I recollect correctly, the Senator from Utah [Mr. Smoot] last year either had passed through the Senate, or tried to have passed, a provision cutting out this endless, irresponsible duplication of propaganda that went on amongst different overlapping bureaus and departments of the Government here in Washington. No one of the Federal bureaus that is established, of course, is going to fail to spend less than the whole appropriation.

One of the chief functions of this bill, as I take it, is by a process of dissemination of Government circulars and information to educate the beneficiaries of the bill in the way they should go and to distribute for the benefit and guidance of the people pamphlets on sanitary and hygienic science. Anyone who examines this bill and similar bills can not help being struck by the fact that they are drawn in the broadest terms. Congress is to do the appropriating; the machinery set up in Washington is to make the expenditure, and is in the possession of absolute discretion. For the purposes of this measure Congress will not only appropriate this year \$2,000,000, or whatever the sum may be, but the bill authorizes the appropriation annually through six or seven other sessions of Congress of an increased appropriation. I do not know whether it is in the mind of the draftsman of this bill or not, that he can bind those Congresses to appropriate the money; I do not know, but I predict, as has happened in every similar scheme upon which Congress has embarked, that the sums mentioned here are simply for illustration.

If this bill is to fulfill a long-felt demand, and if the demand is universal on the part of 110,000,000 of people, scattered all over this country of empire extent, the sums mentioned here to fill the necessities of the case are simply ridiculous; they are microscopic. All the poor children and all the poor mothers in this country can not be taken care of and furnished food and doctors and the necessary conditions of comfort at the time of childbirth and for an unlimited time thereafter with \$2,000,000 a year or with \$22,000,000 a year or with \$200,000,000 a year, if the Government is going to do it.

Mr. KING. Mr. President, will the Senator from Connecticut permit an inquiry?

Mr. BRANDEGEE. Certainly.

Mr. KING. Is there anything in the bill to indicate the persons who will be the beneficiaries of the measure? Is it to be limited to the poor and the needy? If so, may it not be charged that such legislation is discriminatory? If the parent Government is to furnish doctors and medicine and hospitals in all maternity cases and to teach hygiene, is there any warrant for any limitation upon the number or character of the individuals who shall be the beneficiaries of the appropriation?

Mr. BRANDEGEE. I have read the bill, Mr. President, but that was several days ago, and I am not particularly familiar with it in all its terms. I do not, however, remember any limitation, as I recall the language of the bill. As I have said, it is couched in the most general terms. It does not even refer to women and children or to women and their babies. It is in aid of maternity and infancy. Of course, I know what maternity is; but whether it is to apply to the rich or poor or high or low I do not know. That, however, is for the Federal board to determine. They are bound by no limitations.

Mr. THOMAS. Mr. President, the word "infancy" has a legal definition, as the Senator from Connecticut knows. It includes all those under 21 years of age. Does the Senator think that it is possible under the terms of this bill that its provisions may be extended to all those under legal age?

Mr. BRANDEGEE. I think legally that would be possible, but I referred to that while the Senator from Colorado was temporarily absent from the floor.

Mr. THOMAS. I am sorry I was absent.

Mr. BRANDEGEE. Of course, I do not apprehend that any member either of the State or Federal boards would extend aid to an infant of 20 years of age unless it were an idiot or somebody who could not take care of himself.

Mr. THOMAS. Of course, there are degrees between the extremes of birth and 20 years of age. Does not the Senator think that it would be perfectly easy, in accordance with the terms of this bill, to apply its provisions to young children of 4, 5, 6, or 7 years of age?

Mr. BRANDEGEE. Yes; and I said that on principle, if the object of the bill is to guarantee that the future citizens of this



country shall be able-bodied and sound in mind and body, it is not enough merely to provide that they shall be safely and sanitarily brought into the world.

Mr. THOMAS. I think that is true, Mr. President. Of course, the Senator from Connecticut recalls in other times and in other countries caring for the spiritual welfare of the infant was a governmental function, and if we are to place within the jurisdiction of the Federal Government the physical well-being of the young, why not also extend it to include their spiritual and religious well-being?

In other words, a good citizen should be mentally as well as physically sound and well disposed, and, of course, religious sentiment being a common and elevating sentiment amongst humanity, as a consequence, if that is the function of the Government, does the Senator perceive any reason why we should stop merely at the physical side of his nature?

Mr. BRANDEGEE. I see no reason for it except that under our Constitution, as I recall, religious beliefs are to be tolerated but not interfered with.

Mr. THOMAS. That is true; but "what is the Constitution amongst friends"?

Mr. BRANDEGEE. They might not all be friends on that question.

Mr. THOMAS. That is possible; I hope not.

Mr. BRANDEGEE. If the Senator should attempt to standardize religion in this country, he would have his hands full.

Mr. THOMAS. That is true, Mr. President, and those who are attempting to standardize physical conditions will have their hands full.

Mr. BRANDEGEE. They will.

Mr. THOMAS. It is an absolute impossibility. I certainly would be the last even so much as indirectly to support or defend, much less champion, anything that would even have the appearance of the standardization of the religious sentiment, thought, and belief of the country, because I am opposed to that absolutely; but I think that, notwithstanding the constitutional inhibition, the tendency of what the Senator has very aptly called "sumptuary legislation" will reach a point where the distinction between the intellectual or mental or emotional side of humanity and the physical side of humanity will not cut much figure in our appropriation bills.

Mr. BRANDEGEE. Yes. The Senator may be quite right in saying that if it is the business of the Government to see that physically the children are standardized according to the ideas of those who are sure they are right about what the standard ought to be, in principle, perhaps, it is just as important that they should be standardized mentally—and that attempt is already being made and is pending before Congress—and morally; and when the Government attempts to enter into the realm of morals and legislate about them it will have its hands full.

Mr. THOMAS. Its hands will be full and its Treasury will be empty.

Mr. BRANDEGEE. Yes; the Treasury will be empty without any morals. But, Mr. President, I have no doubt this money will result in good when it is appropriated; it will help a lot of people who are in need of help. However, when any Senator asks me whether I think there is any limit to the beneficiaries who may apply for aid under it, or whether people who are able to help themselves may not apply, pretending to be poor when they are not, I can not tell him; all I can say is the bill leaves it entirely to the Federal board here and the State boards in cooperation with it.

I do say, however, that the appropriation is bound to grow. Anybody who will advertise that he has a fund with which to pay doctor's bills and hire nurses and furnish hospital attendance and take care of people in need will have his doorbell rung all night and all day. This will be a popular board, so long as it furnishes the appropriation. There is a proposition now to apply the same principle to the schools.

Mr. THOMAS. Yes, Mr. President; and the identical propaganda behind this bill is behind the other. They are coupled in all of the letters and telegrams which I received.

Mr. BRANDEGEE. I myself think the names of the two bills have become confused in the public prints.

Mr. THOMAS. They are, but not in the petitions that reach me. They are mentioned not only by name, but by number. I have no doubt that the other bill will be pressed after the pending measure has been disposed of, and as a consequence, if it passes the two Houses and is approved by the President, the educational interests of the country will pass under the domination of a Federal bureau.

Mr. BRANDEGEE. I hope the several States will maintain control of their own schools, Mr. President; but I shall not attempt to cross that bridge until I come to it.

Mr. THOMAS. Mr. President, if the Senator will permit me, I think many of the State officers are supporting the educational bill. They seem to see in it another opportunity to rid themselves of a very great responsibility, and an expensive one. I do not say that is true of all the States, but if my correspondence is any indication, I know it is true of several of them.

Mr. BRANDEGEE. I have no doubt that is so; but, Mr. President, because I vote for this bill I should not want it to be inferred that I shall vote for the Smith-Towner bill, if that is the name of the educational bill. As at present advised, I could not support that bill; but, as I say, there will be others coming along based upon the same principle as this, and it may be that I could support the whole line of bills of this kind. But, Mr. President, I want to say this:

When the ardent friends of measures make lists of measures in which they are interested; when the great organizations of the country formulate legislative programs, or agenda, I believe the word is in the League of Nations lingo; when they take pen in hand and formulate congressional or legislative agenda consisting of mere general topics of improvement, things that the Government ought to do, and send them on to you and ask you to mark with a cross "yes" or "no," which you are in favor of and which you are opposed to, before the bills have been drawn or introduced, or before the committees have heard the evidence about them, or before the Senators who do not happen to be members of the committees to which they are referred have had any opportunity of hearing from the committee, or reading the committee's report, or listening to the debate, I feel compelled to notify the interested parties that I have to see the specific bill, not only drawn up in coherent and intelligible English language, but I have to consider the relation of one section to the others, and I have also to reserve nailing myself to the cross as to whether I shall vote "yes" or "no" on it until I see how it is amended and in what particular form it comes before the Senate; and sometimes I am not willing to hang myself on the hook of the central office of the propaganda back of the bill until the roll is about to be called.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Colorado?

Mr. BRANDEGEE. I yield to the Senator.

Mr. THOMAS. I want to say to the Senator that I received such a list the other day, and I marked most of the measures with a double cross.

Mr. BRANDEGEE. Some of them ought to be marked with a double cross—I will not say all of them. I have not double-crossed this one.

That is all I care to say, Mr. President.

The PRESIDING OFFICER. The present occupant of the chair understands that the Senator in charge of the bill, without objection, withdrew the committee amendment found on page 7, which restored section 8 as originally introduced.

Mr. HARRISON. Mr. President, I desire to offer an amendment to that section.

Mr. SHEPPARD. There is another amendment pending at the present time.

The PRESIDING OFFICER. The amendment of the senior Senator from Utah [Mr. Smoot] is pending.

Mr. KING. Mr. President, there is an amendment which I have offered to the amendment tendered by my colleague which has not been disposed of.

Mr. SHEPPARD. The amendment of the junior Senator from Utah [Mr. King] is pending.

Mr. McKELLAR. May the amendment of the junior Senator from Utah be stated?

The PRESIDING OFFICER. The Chair is informed that the first amendment of the senior Senator from Utah has not been agreed to. The amendment has been offered, and, without objection, it will be agreed to.

Mr. KING. One moment, Mr. President. If the first amendment offered by my colleague is the one found on lines 10, 11, 12, and 13, then I desire to state that it has not been agreed to.

The PRESIDING OFFICER. The Chair will state that it is not that amendment. The amendment will be stated.

The READING CLERK. The first amendment offered by the senior Senator from Utah is on page 1, to strike out all of line 10, and on page 2 to strike out lines 1, 2, and 3, and insert:

For the use of the Children's Bureau, for the promotion of maternal and infant hygiene, for the administration of this act, and for the purpose of making such studies, investigations, and reports as will further the efficient administration of this act.

The PRESIDING OFFICER. That is the first amendment offered by the senior Senator from Utah. The question is on agreeing to that amendment.

Mr. KING. Mr. President, my amendment, I think, probably should also extend to the first amendment offered by my colleague, and I therefore move to amend the amendment which has just been read by striking out the words "Children's Bureau" and inserting in lieu thereof "United States Public Health Service."

I will ask to have that amendment stated.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the junior Senator from Utah to the amendment offered by the senior Senator from Utah.

Mr. KING. After it is stated I desire to submit one or two remarks.

The READING CLERK. On line 3 of the amendment strike out the words "Children's Bureau" and insert the words "United States Public Health Service," so that, if amended, it will read:

For the use of the United States Public Health Service, for the promotion of maternal and infant hygiene—

And so forth.

Mr. KING. Mr. President, the Senator from Tennessee [Mr. McKellar] a moment ago combated the amendment which I offered to the second amendment tendered by my colleague. He contended that the activities of the Children's Bureau had been so extensive and so beneficial that this bureau ought to have committed to its care the administration of this important bill.

I have had occasion to make some little investigation into the workings of the Children's Bureau, and a number of persons have complained to me of the inefficiency and the extravagance of that organization. I am not able to determine whether the complaints made are well founded or not. Certainly if we are to believe the statements made by the distinguished Senator from Wyoming [Mr. Warren], the chairman of the Committee on Appropriations, the charge that this bureau has been extravagant would seem to be justified. Starting out with a demand for a small appropriation, \$25,000, and insisting that that is all that would be required, it now makes a demand for six or seven hundred thousand dollars. The Senator from Colorado [Mr. Thomas] corrects me and states that it is between seven and eight hundred thousand dollars, and, as I recall the figures submitted by the Senator from Wyoming, the salaries of the employees of that bureau for one period of its existence consumed 50 per cent or more of the appropriations which were made for the bureau. The appropriations asked for now, or the estimates for the coming year for that bureau, amount to substantially \$200,000 for the expenses and salaries alone of its numerous employees.

Mr. President, this bureau is merely an illustration of the rapacity of other bureaus of the Government. If we create an organization or a bureau or any Federal instrumentality, and attempt to circumscribe its activities by the most drastic statutes, we find that we are absolutely unable to curb its activities and to restrain its voracious appetite for enlarged appropriations, and when we attempt to limit within a legitimate field its operations, it projects itself into other fields and invades other avenues of human endeavor, and comes here and demands an extension of its functions, and a greatly enlarged appropriation for the purpose of compensating the army of employees that attach themselves to it.

Mr. President, there seems to be no way of limiting these bureaus and Federal agencies. They seem to thrive upon statutes which seek to limit their activities; and if we do not make an adequate appropriation to cover their operations deficiencies are created. Congress, instead of refusing to meet these deficiencies, makes appropriations, no matter how large, to cover them. The criminal statute prohibiting the creation of deficiencies is flouted by officials, and the action of Congress treated with contempt.

I do not see any reason why the administration of this bill should be committed to the Children's Bureau; and if it is to be committed to one of the bureaus in the Labor Department, it seems to me that it would be better to commit its administration to the Woman's Bureau. That is an organization recently created.

I am not quite clear as to the functions of that organization. Perhaps the officials of that organization are not clear themselves; but I make the prophecy to Senators that it will be here soon, knocking at the doors of either the House or of the Senate for increased appropriations mounting up into the hundreds of thousands if not into the millions of dollars and demanding that its field of operations be extended until it will invade the operations of the States, the activities of the schools, and other organizations clearly local and domestic in their character.

I ask again, why commit the administration of this bill to the Children's Bureau? It has been conceded that one of the principal functions of this organization is to care for maternity cases, to take care of children, to arrange for hospital service,

and for nursing service, and for medicines, and for instruction along the line of hygiene and medicine and medical development.

Mr. President, the science of medicine is a progressive one. Perhaps the medical men of the United States and of the world are more progressive than those in almost any other profession. The physician of 10 years ago, unless he has been a student and attended postgraduate courses, is incompetent to enter the homes of the people and minister to their needs because of the great discoveries and advances which have been made. In the Public Health Service we have men who are charged with the health of the people. They are studying the great questions of the conservation of the health of the people. They are in contact with medical men from all corners of the world. They are attending the great medical organizations, not only in the States but organizations international in character. They are paid for the purpose of obtaining knowledge in regard to the health of the people, and they are distributing information in all of the States of the Union.

We made large appropriations for the printing of information which they are obtaining, not only upon tuberculosis but upon hygiene, upon sanitation, and upon all those questions which affect the health and welfare of the public. Manifestly those who administer this bill ought to be conversant with medical matters. Is there anybody in the Children's Bureau who is particularly qualified for the administration of the bill? I make no charge of incompetency, but it seems to me that the work of the Children's Bureau is along an entirely different line from the work which this bill requires to be performed.

I am not sure as to the number of men in the medical department, but my recollection is now that there are three or four thousand competent physicians and surgeons. We find them in every State and almost all of the large cities of the United States. There are hospitals of the Government in a large number of the States. More hospitals will be erected, and large appropriations will be made for the erection of additional hospitals.

I repeat, Mr. President, that if it is competency that is desired, and the efficient administration of this law is sought, then we should place the administration of it in the hands of men who are familiar with the subject. I have heard no argument, and I have listened hoping that I might, which would justify the Senate in concluding that the Children's Bureau was the proper governmental instrumentality for the administration of this act.

I sincerely hope, Mr. President, that the amendment which I have offered will be agreed to.

Mr. SMITH of Georgia. Mr. President, will the Senator read his amendment?

Mr. HARRISON. Mr. President—

Mr. KING. If the Senator will pardon me, the bill as it has been offered creates a Federal board of maternal and infant hygiene, and the amendment of the senior Senator from Utah [Mr. Smoot] strikes out that section and provides that the Children's Bureau shall administer this act. Section 3 of the amendment offered by the senior Senator from Utah provides that the Chief of the Children's Bureau of the Department of Labor shall be charged with the carrying out of the provisions of this act. The amendment which I have offered provides that the United States Public Health Service shall be charged with the responsibility of executing it, and if the Senator will pardon me, further on in the bill there is a provision that the United States Public Health Service shall be called upon in a sort of consultative way to aid in the administration of the act, thus recognizing that the Children's Bureau is incompetent to administer the act without the advice of the Public Health Service.

If the Public Health Service is called upon to give advice and is consulted in an advisory way, why should it not have the entire administration of the act? It certainly would make for economy and efficiency.

Mr. SMITH of Georgia. Then, as I understand it, the idea of the Senator from Utah is that any work of this kind should be by a bureau under the Public Health Service?

Mr. KING. I would not create a bureau, but devolve the work upon the Public Health Service.

Mr. SMITH of Georgia. If it needs a bureau, there ought to be one created there?

Mr. KING. Yes.

Mr. SMITH of Georgia. And it should be managed and directed by the Public Health organization.

Mr. KING. Yes.

Mr. SMITH of Georgia. With its corps of officers all over the United States?

Mr. KING. Exactly.



Mr. SMITH of Georgia. With its hospitals already distributed in many places in the United States?

Mr. KING. Exactly.

Mr. SMITH of Georgia. And with men who really know something about it?

Mr. HARRISON. Mr. President—

Mr. KING. Yes. My idea is if this measure is for the benefit of the people, for mothers and for children, then the administration of it ought to be placed with those who are most competent to deal with hospitals, maternity cases, hygiene, sanitation, and the questions of public health.

Mr. HARRISON. I merely rose to suggest to the Senator that perhaps he, as I am informed, has fallen into an inaccuracy, as I did in my remarks, and I want to say that I thoroughly agree with the conclusion the Senator has expressed. I stated, and so did the Senator state, that there were no doctors in the Children's Bureau, no branch in that bureau which could function under this bill. I am advised that they have a branch in the Children's Bureau with five doctors in it who have been giving out instruction in hygiene. I merely make that statement out of fairness to the bureau, as I have just been advised of that fact.

Mr. KING. May I ask the Senator where the authority was for the creation of a medical bureau or subbureau or attachment to the Children's Bureau.

Mr. HARRISON. Where the information comes from?

Mr. KING. No; where is the authority for the creation of such an organization?

Mr. HARRISON. I do not know.

Mr. SMITH of Georgia. On the part of those people in the bureau?

Mr. HARRISON. I do not know.

Mr. KING. Where is the legal authority?

Mr. HARRISON. I do not know. I merely made the statement because I had made the statement that there were no doctors in the Children's Bureau, and the Senator has, too.

Mr. KING. I want to say to the Senator that there is warrant for the belief that if the bureau thought that by organizing a subbureau it could extend its authority and perpetuate its power and increase appropriations by Congress, it would create, without authority, such an organization; it would merely be following the example set by other bureaus and organizations of the Federal Government.

Mr. SMITH of Georgia. I wish to ask the Senator from Utah a question, and I would be glad if he would yield.

Mr. KING. I yield.

Mr. SMITH of Georgia. I want to know, even if there are five doctors connected with the Children's Bureau, whether it would not perhaps be wise to transfer those five to the Public Health Service and develop what we do where we already have a magnificent corps of trained men at work? Is it not true that our Public Health Service has been one of the most effective in the Government, and that much splendid work has been done by it; that we have hospitals and physicians now connected with that bureau in all the States; and that to a large extent wherever they go they enjoy the confidence of the communities in which they work, and we are frequently having urgent requests that they be not moved from one place to another? Having this splendid organization to start with, is it not clear that we have the background of this work and ought to develop it, if we are going to do anything further along this line; and also ought we not to transfer those five doctors from the Children's Bureau, if they are there, to the Public Health Service?

Mr. KING. I thank the Senator from Georgia for the information which he has furnished the Senate and for the suggestion which he has made. Obviously, Mr. President, that course should be pursued. But it is clear that this bureau is entering upon the same pernicious course that has been followed by so many other Federal agencies. Here was the Children's Bureau, created presumably for certain purposes, certainly not for the purpose of establishing a subordinate branch of the Public Health Service, and yet, before it has functioned very long, a medical organization or attachment to the bureau has been created, and, as the Senator from Mississippi [Mr. HARRISON] has stated, from information just conveyed to him, it has five doctors in that department.

So, Mr. President, that bureau now has a medical attachment, and other bureaus of the Government have medical and public-health attachments and subbureaus and Federal agencies and instrumentalities. Instead of combining into one proper organization all agencies and instrumentalities connected with the public health we have a large number of them.

Mr. HARRISON. Mr. President—

Mr. KING. It was stated by my colleague at the last session of Congress that there were some 15 or 20, as I recall, health bureaus or services under the control of the Federal Government, many of them paralleling the work of other like organizations. I am glad to know that the joint resolution which was agreed to by this body has been agreed to by the House, and that a committee will soon be appointed for the purpose of revising existing statutes and coordinating the Federal agencies of the Government, and bringing into proper relation the various bureaus and Federal activities of the Government. The duplication of governmental agencies is indefensible and costs millions of dollars annually. I noticed that a distinguished Congressman from Nebraska and others have predicted that it will save a million dollars a day if that idea shall be carried out. I wish such predictions could be realized. Doubtless there could be great saving, because the duplication in the departments of the Government is appalling. No business organization could save itself from the bankruptcy court one year if it followed the business methods of the United States Government, and Senators have voted for years to perpetuate these organizations which duplicate and parallel the work of each other. It is about time that we should use—I was about to employ the expression "common sense." It is not presumed that will be done in legislative bodies. But, at any rate, we should try to conserve the interests of the Treasury, and cut appropriations wherever it is possible, bring the activities of the Government under proper regulation and coordinate them wherever it is possible to be done.

Mr. HARRISON. Mr. President, touching the doctors in the Children's Bureau, I have no doubt that the persons the bureau has employed are employed to discharge duties affecting child welfare and hygiene, along that line. I do not know how wonderful the doctors are or anything about them, but I am sure they are thoroughly qualified to do their work.

Mr. KING. I hope the Senator does not think from anything I have said that I was disparaging their ability. I will assume that they are very able doctors, perhaps the ablest doctors who could be found in the United States. But, conceding that, it only supports the argument suggested by the Senator from Georgia that they should be transferred to the Public Health Service, where their invaluable services and their superior ability would afford them a larger field for operations.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the junior Senator from Utah [Mr. KING] to the amendment offered by the senior Senator from Utah [Mr. SMITH].

Mr. FRANCE. Mr. President, I hope the amendment to the amendment will not prevail.

Mr. KING. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH], who is absent. I do not know how he would vote on this question. Therefore I withhold my vote.

The PRESIDING OFFICER (when Mr. HENDERSON's name was called). I have a general pair with the junior Senator from Illinois [Mr. McCORMICK], which I transfer to the junior Senator from New Mexico [Mr. JONES] and vote "nay."

Mr. KENDRICK (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL]. I am informed that he is in favor of this legislation. So I feel at liberty to vote. On the pending amendment I vote "nay."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. GAY]. In his absence I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. If he were present he would vote "yea" and I would vote "nay." In his absence I withhold my vote.

Mr. POMERENE (when his name was called). I have a general pair with the senior Senator from Iowa [Mr. CUMMINS]. Not knowing how he would vote, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LONGE]. I transfer that pair to the junior Senator from South Carolina [Mr. DIAL] and vote "yea."

Mr. HEFLIN (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is detained on account of serious illness in his family. He has a general pair with the junior Senator from Ohio [Mr. HARDING].

The roll call was concluded.

Mr. CURTIS. On this vote the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN], and the Senator from Illinois [Mr. SHERMAN] is paired with the Senator from Virginia [Mr. GLASS].

Mr. HARRISON. The senior Senator from Mississippi [Mr. WILLIAMS] is unavoidably absent. He has a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is also absent.

Mr. HARRIS. I have a general pair with the junior Senator from New York [Mr. CALDER]. I do not know how he would vote on the question and I therefore withhold my vote.

Mr. GERRY. I desire to announce the absence of the Senator from Arizona [Mr. ASHURST], who is unavoidably detained, and of the Senator from South Dakota [Mr. JOHNSON], who is absent on account of illness.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer my pair to the junior Senator from Arizona [Mr. ASHURST] and vote "nay."

Mr. FERNALD. I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from West Virginia [Mr. ELKINS] and vote "nay."

Mr. MYERS (after having voted in the affirmative). The Senator from Connecticut [Mr. MCLEAN] with whom I have a general pair is absent. I transfer my pair to the Senator from Arizona [Mr. SMITH] and let my vote stand.

The result was announced—yeas 6, nays 47, as follows:

YEAS—6.			
Harrison King	McCumber Myers	Smith, Ga.	Thomas
NAYS—47.			
Ball	Gerry	La Follette	Simmons
Beckham	Gore	McKellar	Smith, S. C.
Borah	Gronna	McNary	Spencer
Brandeggee	Hale	New	Stanley
Capper	Heflin	Norris	Sterling
Chamberlain	Henderson	Nugent	Sutherland
Colt	Hitchcock	Phipps	Trammell
Curtis	Johnson, Calif.	Pittman	Walsh, Mass.
Fernald	Kendrick	Poindexter	Walsh, Mont.
Fletcher	Kenyon	Ransdell	Watson
France	Keyes	Robinson	Wolcott
Frelinghuysen	Kirby	Sheppard	
NOT VOTING—43.			
Ashurst	Harding	Moses	Shields
Calder	Harris	Nelson	Smith, Ariz.
Culberson	Johnson, S. Dak.	Newberry	Smith, Md.
Cummins	Jones, N. Mex.	Overman	Smoot
Dial	Jones, Wash.	Owen	Swanson
Dillingham	Kellogg	Page	Townsend
Edge	Knox	Penrose	Underwood
Elkins	Lenroot	Phelan	Wadsworth
Fall	Lodge	Pomerene	Warren
Gay	McCormick	Reed	Williams
Glass	McLean	Sherman	

So Mr. KING's amendment to Mr. SMOOT's amendment was rejected.

The PRESIDING OFFICER. The question now before the Senate is upon the amendment offered by the senior Senator from Utah [Mr. SMOOT].

Mr. KING. I would like to ask the Senator from Maryland [Mr. FRANCE] just the effect of the amendment offered by the senior Senator from Utah. Assuming that that prevails, to what extent does it change the bill as it came from the committee in its administrative features? The Senator from Georgia [Mr. SMITH] and myself are not in agreement upon that point.

Mr. FRANCE. Mr. President, under the bill as it came from the committee a new board was created for the administration of the provisions of the bill. That board was to be composed of the Secretary of Labor, the Surgeon General of the Public Health Service, and the Commissioner of Education.

Under the bill, as it will be amended, the Children's Bureau will have charge of the administration of the provisions of the bill. The Chief of the Children's Bureau, however, is authorized to appoint an advisory committee, composed of the Surgeon General of the Public Health Service, the Secretary of Agriculture, and the Commissioner of Education, on the theory that that would promote cooperation between these various agencies in the carrying out the provisions of the bill.

Mr. SMITH of Georgia. Is the Senator from Maryland in favor of that amendment?

Mr. FRANCE. Yes.

Mr. SMITH of Georgia. Does the Senator propose to turn this over to the head of that bureau and let that bureau create the board instead of the Congress creating it? I vastly prefer the bill as it came from the committee.

Mr. FRANCE. No; the administration will be carried on by the Children's Bureau, and the Chief of the Children's Bureau

will appoint the advisory committee, but the committee is named, of course, in the bill.

Mr. KING. May I inquire of the Senator from Maryland if the original bill in this respect shall be passed, which of these three agencies would have the administration of the provisions of the bill?

Mr. FRANCE. The Children's Bureau.

Mr. KING. Would that create a new bureau or utilize the machinery of existing governmental agencies?

Mr. FRANCE. Under the original bill the Chief of the Children's Bureau was to be the executive officer to carry out the provisions of the bill.

Mr. KING. And the man or the woman, whoever was at the head of the Children's Bureau, would be under the direction of the board?

Mr. FRANCE. Yes; under the direction of the board.

Mr. KING. Why would it not be better to have a board of the character described in the original bill and have the chief of the bureau under the board instead of having the board under the chief of the bureau?

Mr. FRANCE. Because that creates a new agency, whereas if the administration is charged to the Children's Bureau no new agency whatever is created. It seemed to us that it is better organization to use agencies already in existence rather than to create a new agency.

Mr. KING. I confess that I do not understand that the original bill created a new agency. There are three officials of the Government specifically named. The bill selects those three and empowers or directs that they shall employ a given agency of the Government through which to administer the bill. That does not create a new agency.

Mr. FRANCE. Of course, that is a matter of terminology. We were of the opinion that it was better organization, after considering the matter carefully, to have the Children's Bureau in charge of the work rather than to have an interdepartmental agency carrying on the work, cooperation with the other departments being secured by the appointment of this advisory committee. The change is not material, but I think it is beneficial.

Mr. SMITH of Georgia. Will this advisory committee have no authority to control the head of the Children's Bureau? Does the Senator propose to let the party at the head of the Children's Bureau do what that party may please regardless of the advice of the Surgeon General and the two members of the Cabinet who are allowed to advise but in no way to control? The Senator just turns it loose, then, with the privilege of the head of the Children's Bureau taking advice but with the privilege of running it as the head of that bureau sees fit. Would it not be vastly better and could we not feel more confidence in it and would not the country have more confidence in it if we would retain the bill as it originally provided, with two members of the Cabinet and the head of the department of health in control, with power to act and direct?

Mr. FRANCE. As a practical matter, I do not know that it makes any material difference. Under the original provisions of the bill the Chief of the Children's Bureau was to be the executive officer. I assume that under the amendment of the Senator from Utah the Chief of the Children's Bureau will still be the executive officer; but I do not anticipate that the Chief of the Children's Bureau would disregard the views of the advisory committee.

Mr. SMITH of Georgia. Would it not be advisable and better not to allow them to disregard it? Will not the situation be stronger if the authority is put into the hands of these three men? Then we shall have the benefit of the Surgeon General of the Public Health Service to direct and control rather than somebody who knows nothing about medicine and knows nothing about the subject, perhaps.

Mr. THOMAS. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. I yield.

Mr. THOMAS. Mr. President, the senior Senator from Utah [Mr. SMOOT] is not present. He explained the purpose that prompted him to offer the amendment; that purpose was acceptable to the Senator having charge of the bill; and I think he very properly consented to the amendment, so far as he could do so.

Fundamentally, the purpose of the amendment is to prevent the creation of another bureau, and in that particular I think it is commendable. The Children's Bureau was selected by the Senator from Utah because of the harmony between the work they are now doing and the purposes of the bill. A Federal board, composed of men who have their hands full, necessarily will have to perform their duties vicariously. We are loading the members of the Cabinet and many of the heads of divisions



and bureaus with all kinds of duties which it is impossible for them to perform for the very good reason that they have not time to perform them. As a consequence, they are obliged to delegate the authority.

The Children's Bureau, if I am correctly informed, is not so circumstanced. Hence, without increasing the expense, as we hope, which will attend the administration of this bureau, we shall get just as good if not better service. The appointment of an advisory committee in this instance, by means of which the members of the Children's Bureau may receive counsel and advice and information and help, will be like the appointment of other advisory committees.

The Federal reserve act creates an advisory board, drawing no salary and meeting at such times as the Federal Reserve Board may desire their services. Nobody suggested at the time of the passage of the act that we thereby created a bureau and placed it under the charge of some other bureau. I think under the circumstances, therefore, that the proposed amendment is far preferable to the purposes of the original bill, and I hope the amendment will be adopted.

Mr. KING. May I ask the Senator from Colorado a question?

Mr. THOMAS. Yes; though I do not know that I can answer it. The senior Senator from Utah, however, is now present. I will say to him that I have endeavored to explain the purposes for which he introduced his amendment.

Mr. SMOOT. I will say to the Senator from Colorado that I have had a meeting with Representative Goob, chairman of the Appropriations Committee of the other House. I just came in from that meeting and did not hear what the Senator said.

Mr. KING. I should like to say—

Mr. THOMAS. If the junior Senator from Utah will permit me, I desire to say that objection is made by the Senator from Georgia [Mr. SMITH] and I think by the junior Senator from Utah [Mr. KING] to the plan of administration of the bill under the amendment of the senior Senator from Utah, the Senator having charge of the bill having given the reasons why he accepted it. Those Senators are able to and they can explain their positions much better than can I.

Mr. KING. I asked the Senator from Maryland [Mr. FRANCE] what reason there was for accepting the amendment offered by the senior Senator from Utah [Mr. SMOOT] and modifying the bill as it originally came from the committee. The Senator from Colorado [Mr. THOMAS], who was defending the amendment of the Senator from Utah, stated that a reason for the amendment was that it avoided the creation of another bureau. I was about to ask the Senator from Colorado, when the senior Senator from Utah entered the Chamber, if he was not in error in assuming that the original bill created a new bureau.

Mr. SMOOT. No; I think, Mr. President, that it does, and I wanted to avoid that contingency.

Mr. SMITH of Georgia. Has the Senator from Utah considered the advisability of having a board administer these duties under the Children's Bureau, a board composed of the Surgeon General, the head of the Children's Bureau, and some one else?

Mr. SMOOT. I could not think for a moment that at this time we ought to go into the question of the reorganization of the Children's Bureau. The amendment provides that the Children's Bureau shall be aided by an advisory board or committee consisting of the Secretary of Agriculture, the Surgeon General of the United States Public Health Service, and the United States Commissioner of Education. They are a committee with which the Chief of the Children's Bureau shall consult in the direction of the activities of the bureau.

Mr. SMITH of Georgia. What seems so unsatisfactory to me is that it is proposed to trust this large sum of money and the administration of this great task to the head of the Children's Bureau. I merely feel that it is a very unwise thing to do and that we ought to have some kind of supervising organization, not simply an organization to advise but one with some authority.

Mr. SMOOT. The way the bill was drawn—

Mr. SMITH of Georgia. I do not mean to approve the bill as it was drawn. I was asking the Senator to consider some way by which we might have the benefit, at least, of the Surgeon General as one of a board to direct the Children's Bureau in the performance of its new responsibilities.

Mr. KING. As a directory board instead of a mere advisory board.

Mr. SMITH of Georgia. I do not think that the mere advisory part of it amounts to anything.

Mr. SMOOT. It certainly would not do, Mr. President, to have three heads of departments or bureaus in the Government act in a directory capacity, because of the fact that nobody would be responsible.

They would meet about once a month, or something like that. So I thought it would be very much better to have somebody

responsible, and then have the three officers of the Government to whom I have referred act in an advisory capacity. It looks to me as if we would get better results in that way than by following the other method. Not only that, but we would not build up here a new bureau or agency that would begin with the employment of as many clerks as those in some other bureau, no matter whether they were needed or not, and make a demand for additional space in the Government buildings, or else go out and rent buildings in the District of Columbia. What I had in view was to save expense as much as possible. That is why I desired the change made.

Mr. SMITH of Georgia. Mr. President, I appreciate the object the Senator had in view, but I suggest to him that this large sum of money that we are about to appropriate should be expended under the supervision of the most skilled board. During his absence I voted for an amendment to put the whole matter under the charge of the Public Health Service of the Government. I would not be afraid for it to go there without any other supervision, perhaps; but to put it under the Children's Bureau, which I had not thought had proceeded very far, is a different matter.

Mr. HITCHCOCK. Mr. President, if the Senator will permit me, I should like to suggest that the language be made to read: "The Children's Bureau shall have charge of all matters concerning the administration of this act, and shall have the power, under regulations of the Federal board," to do so and so; so that the Federal board may have the power to make regulations; but in the absence of them the Children's Bureau would go forward.

Mr. SMOOT. I doubt very much whether we would have responsibility then resting either with the Children's Bureau or with the Federal board.

Mr. HITCHCOCK. The Children's Bureau could undoubtedly go forward unless the board made regulations which restricted it, but when they made regulations of that sort, they would have effect.

I am moved to make that suggestion because I have just discovered in the report of the Secretary of the Treasury the fact that the Public Health Service is carrying on a work at the present time which somewhat overlaps the work which it is now proposed to place under the Children's Bureau.

Mr. SMOOT. Mr. President, we have known that fact. The Public Health Service now has, I think, according to testimony that was given before the Appropriations Committee, 42 agencies doing about the same work. If we add to the matters under their charge the work which is contemplated under the pending bill, then there will be a duplication of work the extent of which it will be difficult to tell.

Mr. SMITH of Georgia. Ought it not all be put under the Public Health Service? Is not that the place for it, and are they not already doing work along the same lines?

Mr. HITCHCOCK. I think not. I think the Public Health Service is already a jack-of-all-trades and has got too much work. It seems to me it would be wise to have the head of the Public Health Service on some committee which might co-ordinate the work.

Mr. SMOOT. The Surgeon General of the Public Health Service under the amendment I offer would have a place on the advisory committee, together with the United States Commissioner of Education and the Secretary of Agriculture.

Mr. HITCHCOCK. I think an advisory committee has not necessarily much power. It seems to me that the committee, composed of a Cabinet officer, the head of the Public Health Service, and the Commissioner of Education, should have really the authority to make regulations under which the Children's Bureau could carry on the work. I only suggest that as a modification of the Senator's amendment, which I am disposed to support.

Mr. SMOOT. The Public Health Service would have to be in close touch with the work as it progressed; in fact, it ought to have knowledge of what was required and what was being done or it could not make rules and regulations. If we are going to favor such a proposition, the best thing to do would be to put the new work under the Public Health Service direct, for some one will have to know what the work is daily, some one will have to know what the requirements are, some one will have to be responsible for that work, and I think that some one ought to be the Children's Bureau rather than the Public Health Service.

I said the other day that I thought the Public Health Service one of the most extravagant agencies of the Government. I am still of the same opinion, which is based on the appropriations that are made for and the estimates that are presented by that service, the demands that are made by it upon Congress, by the way in which it has grown, and by the duplication of work carried on by it. I hesitate to put more millions of

dollars under their control, but I am perfectly willing, if we are going to establish this new line of work, to have it carried on under the Children's Bureau, acting with an advisory committee consisting of the Secretary of Agriculture, the Surgeon General of the Public Health Service, and the United States Commissioner of Education.

Mr. KING. If I may, I desire to make a suggestion to my colleague. I know he is very much interested in consolidating the departments and bureaus and eliminating the frightful waste, extravagance, and duplication which characterize the executive departments. I am afraid the amendment of the Senator will create another medical department. We are advised by the Senator from Mississippi [Mr. HARRISON] that there are already five doctors, and I do not know how many subdoctors and nurses and medical advisers, attached to the Children's Bureau. Now, it is manifestly wrong to create another medical department of the Government.

Mr. ROBINSON. Mr. President, a parliamentary inquiry. Which Senator from Utah has the floor?

The PRESIDING OFFICER. The senior Senator from Utah.

Mr. KING. The senior Senator from Utah has the floor. I was inquiring of him as to the character of his amendment. I again suggest to my colleague that his amendment will carry into effect a policy which I know he is earnestly seeking to modify.

Mr. SMOOT. Mr. President, I want to be perfectly frank with the Senate, and say that I thought it would be very much better to have this legislation postponed until after the reorganization of the departments of our Government—I am speaking now personally—and I have said so to ladies who are deeply interested in this legislation; but they seemed to think that if it was not passed at this session it would hold it off for two years before the legislatures of the different States could act, and therefore they wanted it to pass even though after the reorganization of the Government takes place, if it does take place, the whole program will be changed.

Mr. McCUMBER. Mr. President, will the Senator allow me to suggest to him, and also to the Senator from Maryland [Mr. FRANCE], who is in charge of the bill, that we have been in constant session now for nearly six hours, and in all probability we shall not get a vote to-night unless we remain here an hour or two longer, and that it might be well to recess over until to-morrow and take up the matter at that time. Then this amendment can be thrashed out between the Senator having the bill in charge and other Senators.

Mr. FRANCE. Mr. President, I offer two amendments to be printed.

The amendments were ordered to lie on the table and to be printed, as follows:

On page 1, in line 3, strike out the word "annually," and after the word "appropriated," in the same line, insert the word "annually."

Page 2, line 14, strike out "1921" and insert "1922"; line 15, strike out "1922" and insert "1923"; line 17, strike out "1923" and insert "1924"; line 18, strike out "1924" and insert "1925"; line 19, strike out "1925" and insert "1926"; line 20, strike out "1926" and insert "1927."

Mr. FRANCE. I did hope we might have a vote on this bill this evening, so that we could adjourn over until Monday; but there seems to be very little probability of that.

Mr. KING. There are a number of amendments which I have to offer, and they will take considerable time.

RECESS.

Mr. FRANCE. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Saturday, December 18, 1920, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

FRIDAY, December 17, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely great, humbly and reverently we bow in Thy holy presence, we pray that we may be guided by Thy counsels through the changing scenes of this new congressional day that as individuals and collectively we may accomplish the highest good for ourselves and for the Nation we represent; that we may lie down at its close with a clear conscience and rest securely under the shadow of Thy protecting wings sanctified by the supreme thoughts of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

## TREATMENT OF TUBERCULAR EX-SERVICE MEN.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to proceed for two minutes on the question of tubercular ex-service men being held, to their detriment, at Houston, Tex.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, there is now in one of the Government hospitals at Houston, Tex., quite a number of tubercular patients. They are ex-service men. The greater number of them are from States outside of Texas. They are strangers to me; they have never been in my district, so far as I know; but they have been appealing—a number of them—to me to get them away from there. Houston is my birthplace. I know the conditions there. If you were to search the whole United States over, you could not find a climate or altitude more unfavorable for the treatment of tubercular patients than Houston. Upon the insistence of several of these ex-service men I have been able, during the last four months, to get only six of them transferred to Arizona and New Mexico. About a score or more of them are yet at Houston who have been clamoring for transfer. The Surgeon General of the Public Health Service asserts that he can not transfer them, because he has no more room at Fort Bayard, N. Mex. He seems to think that that is the only hospital to which he could transfer them. There is a hospital at Roswell, N. Mex., that has been especially fitted up as a tubercular hospital at an enormous expense. It does not happen to be a Government hospital, but these ex-service men could be transferred there immediately if the officials of the Public Health Bureau would see fit to do so. I think it is a shame and an infamous outrage for these men to be kept in that hospital at Houston to die when they could be transferred to another hospital. There is a hospital at San Angelo, Tex., and there are other hospitals on the Rio Grande border, in Arizona and New Mexico, and at other places to which they could be transferred.

The following is a copy of a letter I wrote December 1, 1920, and I wrote again on December 8 and December 10, insisting on the numerous ex-service men afflicted with tuberculosis held at Houston being removed from there:

WASHINGTON, D. C., December 1, 1920.

Gen. HUGH S. CUMMING,

Surgeon General, Bureau of the Public Health Service,

Washington, D. C.

MY DEAR GEN. CUMMING: I am herewith inclosing you a letter just received from Surg. John M. Holt, of the United States Public Health Service, Dallas, Tex., claiming he is unable to transfer Jas. D. Elliott (C-451325) from the hospital at Houston, Tex., to some of the hospitals in the Southwest, because they are filled to capacity. This young man, Elliott, is suffering from tuberculosis. During the past six months I have had a great deal of trouble in getting ex-service men suffering with tuberculosis transferred from the hospital at Houston, Tex. On numerous occasions I have called the attention of your department, and also that of Col. R. G. Cholmeley-Jones, to the fact that it is almost criminal on behalf of our Government to continue to keep ex-service men suffering with tuberculosis at Houston, Tex. I again assert that if you were to search the whole United States over you could not find a climate or location more unfavorable and disastrous to tubercular patients than at Houston, Tex. I was born there, and I know what I am talking about.

In this connection I desire to call your attention to the fact that during August or September of this year I had a voluminous correspondence with Col. Cholmeley-Jones, wherein I advised him that the Southwest Sanatorium, located at San Angelo, Tex., and the sanatorium conducted by Mrs. Morgan, of Roswell, N. Mex., had each gone to considerable expense in making preparations to care for such tubercular patients. On September 22, 1920, Col. Cholmeley-Jones wrote me a letter embracing the following:

"At the present time there are a great many available beds at Fort Bayard. This institution is considered by some of the best tuberculosis experts of this country to be a model institution for the care of patients suffering from this disease. The hospital itself is modern in every detail and fully equipped, and the climate is considered to be especially beneficial."

If this letter is true, why is it that our tubercular patients can not be moved from Houston, Tex.? I think that your department should take immediate steps to see that all ex-service men now suffering with tuberculosis are transferred at once from the hospital at Houston, Tex., to hospitals in the Southwest.

Very sincerely, yours,

THOMAS L. BLANTON.

I submit the last letter received, to wit:

TREASURY DEPARTMENT,  
BUREAU OF THE PUBLIC HEALTH SERVICE,  
Washington, December 14, 1920.

Hon. THOMAS L. BLANTON,

House of Representatives, Washington.

MY DEAR MR. BLANTON: I beg to acknowledge receipt of your letters dated December 8, 1920, and December 10, 1920, together with your letter dated December 6, 1920, addressed to the Director, Bureau of War Risk Insurance, and to advise that the medical officers charged with the responsibility of hospitalizing tubercular beneficiaries in Houston and other points in Texas have been instructed to utilize to the fullest extent all contract hospitals affording proper facilities for the care of tubercular patients, and that both the Southwest Sanatorium located at San Angelo, as well as the Morgan Sanatorium located at Roswell, N. Mex., are being utilized.

The service officers at Houston and Dallas are in close touch with all the institutions where beds can from time to time be secured, and



are zealous in their endeavors to find places where patients can be suitably cared for.

It is believed that until additional facilities are placed at the disposal of the Public Health Service, everything humanly possible has been done.

Yours, very truly,

H. S. CUMMING,  
Surgeon General.

Notwithstanding what is stated in this letter from the Surgeon General, these men are still held in Houston. If they die there, the Public Health Service ought to be held responsible.

#### CODIFICATION OF THE LAWS.

Mr. LITTLE. Mr. Speaker, as the chairman of the Committee on the Codification of the Laws, I ask unanimous consent that the gentleman from Virginia [Mr. Moore] and the gentleman from Kansas [Mr. Little] be allowed to address the House for five minutes this morning, with leave also to extend their remarks in the Record.

The SPEAKER. The gentleman from Kansas asks unanimous consent that he and the gentleman from Virginia [Mr. Moore] may address the House for five minutes this morning and be allowed to extend their remarks in the Record. Is there objection?

Mr. GARNER. Reserving the right to object, is the gentleman from Virginia [Mr. Moore] here?

Mr. LITTLE. He was in his room, closeted with several constituents, a few minutes ago, and if he has not already come we can notify him.

The SPEAKER. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Speaker, the Committee on Revision of the Laws directed that the chairman ask your attention to the bill to establish a Code of The Laws of the United States, a copy of which has been sent to every Member of the House through the mail and is now on the Members' desks, whether they have found it or not. This bill is similar to the Revised Statutes passed in 1874. It is therefore the second bill of the kind ever introduced in Congress.

You will want to know something about how it was done, and in the extension of remarks which we shall make we shall endeavor to further meet that desire. The chairman will call your attention to some of the details immediately, in the short time he has, and if the gentleman from Virginia [Mr. Moore] gets away from his constituents he will do the same thing.

This committee is given an annual fund of \$4,000 to revise the statutes. Last spring you gave the committee \$9,000 more. The chairman, authorized thereto by the committee, with those funds and its clerk hire, employed revisers to assist him in this work. The chairman had given nearly all of his time to it for a year and a half.

When we first began the work we began to go through the statutes and pick out and compile the various statutes, beginning with the old Revised Statutes, pursuing the same method of compilation which the original revisers used. They compiled them for themselves and undertook to revise them under the law. When the committee came to the revisers' report in 1873 they decided not to revise, because that gave opportunity for too much changing. Nevertheless, the work of 1873-74 still retains the name of Revised Statutes, although they were in fact practically making a code, which we have done. We began by compiling our copy from the Revised Statutes and having it typewritten for the printer. As we did so we made comparison with the several compilations which had been made by private parties in recent years—West, Thompson, Barnes, Flood, and Pierce.

As we went on for weeks observing the work done by those people, we finally reached the conclusion that they were all reasonably correct and useful, except that they included considerable legislation no longer in force. Because West's compact statutes was most like the Revised Statutes we accepted them as our basis of operation, and we clipped its sections and sent them to our revisers. For example, we sent to a reviser all West's sections on education, and others, as his copy for examination. His instructions were to take them and look up the original laws to see that they were right and correct. Then he would compare them with Thompson and Barnes, and then, when he had finished the comparison with the original Revised Statutes, and the Statutes at Large since, he would have his own judgment and, for example, that of West and Thompson and Barnes, who are three of the greatest compiling concerns the country ever had. It would be sent in to the chairman with four examiners back of it—our reviser, and West, and Thompson, and Barnes. Then it went to another reviser for the same process. Then the chairman went all over it section by section, availing himself, as did the revisers, of the annotations in West and Thompson. After the chairman's investigation he sent the sections, now numbered and

with headlines, to the Public Printer. Whenever possible the chairman had the aid of the committee. When sent to the printer it had in effect the approval of Thompson, West, Barnes, two of our revisers, and the chairman—six separate investigators. It came out in galley form, and the galley was sent then to a third reviser, who proceeded to go over it just as did his predecessors—making seven independent examinations. Meanwhile another galley was sent to the bureau or department that has the closest relations to that work, whenever we could get them to take an interest in it, which several did. In 1874 Mr. Poland complained that none of the bureaus or departments gave the committee their assistance. The result was, when the proofs came back from the given bureau or department, and came back from the other revisers, eight had gone over it. The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and both Secretaries of the Interior—Mr. Lane and Mr. Payne—and others, all gave full, complete, and detailed replies, having their legal departments go over the work carefully. The result was that we now have eight O. K's on that.

There is in the Library a legislative reference department. Years ago they assembled an index to the laws of the United States. The way in which that was done was this: They would begin with a section of the Revised Statutes, then they would put on a card every amendment to that particular section.

Then they would take any law passed since coming under that head, and index underneath it every amendment to it, so you can see at a glance all the amendments to any given legislation, and if you ask for them they can list them for you. This galley proof also went to them and they went over it and compared it, and if they thought they discovered any erroneous statement or any failure to include everything that should be included, they made a note of it and brought it to our attention. Now, nine legal people have gone over the copy. Then the chairman of the committee, after securing the help of such members of the committee as could give it their personal attention, went over it carefully for a last examination, and it was sent to the printer with the approval of nine careful investigators.

It is proof-read by copy carefully, of course, at the Printing Office. It is proof-read by copy in the chairman's office very carefully. The result is that 9 lawyers and 2 proof readers have gone over it, the chairman twice. For the last month the chairman has had 6 excellent proof readers, one detailed from the Printing Office and one expert employed by the chairman, besides the revisers, and they have read it over again. As a result, there is much less probability of mistakes than there was the other time. That time they did not even have the compiler's help. They did not even have the system that we adopted. I think it is safe to say that with 9 lawyers going over each section before it is finally put into this shape, it is as nearly right as human skill can make it.

Three great compiling concerns—Thompson, West, and that of Barnes, three studios and scholarly revisers—the Legislative Reference Bureau of the Congressional Library, the department most interested—if its aid can be had—and the chairman of the Revision of Laws Committee, 9 examiners, each acting alone, assure the House after nearly 18 months of unsparing effort, that this bill is drawn from your official publications and expresses them in full without any change of laws made by Congress. In 1874 they lacked many of the resources used in this work. Yet for 46 years the Revised Statutes has been the greatest code the world ever saw and had the respect of courts, Congresses, and people unchallenged. There is every reason to believe this code even more accurate.

Mr. BEE. Will the gentleman allow me?

Mr. LITTLE. Certainly.

Mr. BEE. I have glanced over this, and while the gentleman's statement is very interesting it is unnecessary, because the work itself is the best evidence of the careful attention that has been given to it. I wish to ask if you have brought the revision down to the last Congress?

Mr. LITTLE. Yes; down to this Congress.

Mr. BEE. To this present Congress?

Mr. LITTLE. Just as they did in 1874.

Mr. BEE. There is no attempt to annotate?

Mr. LITTLE. Oh, no. At the end of each section is a citation, which you might call an annotation, as to its origin. You can take the references at the end of any section and learn for yourself whether the section is correct. That is the best report that could be made on it. In 1874 they made no report, because they said the report would be so much bigger than the statutes that it was impracticable.

At the end of each section is the citation of its origin, and any Member or any person can take it and analyze it for himself and make up his mind whether it is a correct statement of the law. As the gentleman from Texas says, the bill is its

own best argument. "Good wine needs no bush," and there is the bill, gentlemen. [Applause.]

After becoming chairman of this committee I gave some six weeks to the study of the history of our laws, finally reaching the decision that a bill should be prepared similar to that of 1874, and that it could be completed for the third session of the Sixty-sixth Congress. I began work July 1, 1919, and on December 14, 1920, the first volume of this proffered legislation finally received its last stitch. It has occurred to me the House may care to read some of the CONGRESSIONAL RECORD of December 10, 1873, and June 22, 1874, when the Revised Statutes became a law and the law. So the following extracts from those proceedings are presented:

[CONGRESSIONAL RECORD, Dec. 10, 1873, p. 129.]

REVISION OF LAWS (IN THE HOUSE).

The SPEAKER. The morning hour has almost expired and the gentleman from Massachusetts [Mr. Butler] desires to make a report for reference to the Committee on the Revision of the Laws.

Mr. BUTLER of Massachusetts. I desire to report certain bills, prepared by a committee under a joint resolution of the two Houses, for the revision of the general laws and those on certain specific subjects, and, with the leave of the House, I will explain what this mass of paper is that I have before me.

Between five and six years ago the two Houses of Congress, by law, provided for the revision of the statute laws of the United States, and a commission was appointed, who sat three years engaged in that revision. They had not accomplished the work, and an extension was given and another commission appointed, substantially, and they attempted a revision. Then that commission not being ready to report during the last Congress, the two Houses by a resolution appointed a joint committee, whose duty it should be to prepare a bill or bills to carry out the objects of that resolution.

As you are all aware, the statute laws of the United States are in 16 or 17 volumes, averaging between 1,000 and 1,200 pages each, including the several treaties. Taking the revision partly accomplished by the two sets of commissioners, the committee of the two Houses have during the recess subjected that revision to a thorough revision by one of the best lawyers in the country, who has devoted his time and ability to it with the most indefatigable industry and greatest success, so that now we have all the laws of the United States, with a single exception, printed in large print in the form of an act, with an index, in a shape in which every Member can examine it. If the revision is carried through Congress and becomes a law, all the general laws of the United States will be found within the limits of one volume instead of its being necessary to wade through 16 volumes in referring to them.

I desire to premise here that your committee felt it their bounden duty not to allow, so far as they could ascertain, any change of the law. This embodies the law as it is. The temptation, of course, was very great, where a law seemed to be imperfect, to perfect it by the alteration of words or phrases or to make some change. But that temptation has, so far as I know and believe, been resisted. We have not attempted to change the law in a single word or letter so as to make a different reading or different sense. All that has been done is to strike out the obsolete parts and to condense and consolidate and bring together statutes in pari materia, so that you have here, except in so far as it is human to err, the laws of the United States under which we now live. And it will be necessary, if the bill passes Congress, that it shall pass without anyone undertaking to amend the law as it stands in this revision, because, once beginning to amend the revision by altering the law from what it is, will lead into an interminable sea in which we shall never find soundings and which will never find a shore. But if there be any omission of any provision of law, the theory of this revision is that that shall be supplied, and to that the committee desire to call the attention of the House.

I have taken the liberty, Mr. Speaker, to present this bill thus early in order that it may be referred to the Committee on Revision of the Laws, the chairman of which, the gentleman from Vermont [Mr. Poland], was associated with me on the last committee, together with the gentleman from North Carolina [Mr. Leach], in order that there may be an early report to the House, that the bill may be passed in its integrity early in the session and printed, for which arrangements have been made, at an early day and sent to the country, so that if any errors have crept in those errors may be corrected during this long session and a perfect body of the laws, or a body of the laws as nearly perfect as we can make it, shall be sent out for the guidance of the people of the United States. Before I press the motion to refer I yield to the gentleman from Vermont [Mr. Poland].

Mr. POLAND. Mr. Speaker, I desire to say a word in reference to this subject and to call the attention of Members of the House to it. It is now nearly eight years since a bill was passed for this revision. Three years each have been allowed to two several sets of commissioners to make the revision. A long time and a good deal of money have been spent to get the work in the state of forwardness in which it now is. As my friend from Massachusetts has said, the committee have endeavored to have this revision a perfect reflex of the existing national statutes.

Mr. POLAND. The expenditures have already all been incurred and the whole expense has been somewhere in the neighborhood of \$100,000.

I will say further, Mr. Speaker, that this work is already printed, and in a very few days at least every Member will be supplied with a copy of the entire work for his examination. It is already in print, but not stitched.

Mr. WOOD. I would ask the gentleman if he is not in error in estimating the expenses which have been involved in this codification, which has been going on for six years, and if it will not exceed twice the sum he names?

Mr. POLAND. Oh, no, sir; we have had two sets of commissioners for three years, at \$5,000 each, and one of them was not paid for the full time. That would be \$90,000, and then there is something for clerk hire.

The documents were then referred to the Committee on Revision of the Laws.

REVISION OF THE LAWS.

[Jan. 14, 1874, p. 646.]

Mr. POLAND. Mr. Speaker, I am directed by the Committee on Revision of the Laws to report a bill (H. R. 1215) revising and consolidating the statutes of the United States in force on the 1st day of December, 1873. I suppose, Mr. Speaker, it is understood by all gentlemen in the House that for a considerable number of years we have had commissioners at work making a revision of the United States statutes; that this work has been completed, laid before the House, and referred to the Committee on Revision of the Laws for examination. The committee now report this work for the consideration of the House.

This work, as gentlemen know, was done by three commissioners appointed under a law of Congress. Their labors were completed last May. Under a law passed on the very last day of the last session of Congress a subcommittee of the Committee on Revision of the Laws employed Mr. Durant, a lawyer of eminence in this city, to go over this revision and put it in the form of a bill to be brought before the House. The volume I hold in my hand is the work as completed by Mr. Durant, going over the work of the commission. Therefore the committee, when they employed Mr. Durant to go over this work, directed him, in every case where he found that new legislation had been inserted by the commissioners, to strike out such changes. Mr. Durant has, in the main, done this.

[Page 647.]

Mr. MAYNARD. I suppose the committee, of course, have a written report accompanying this bill, which will set forth all the facts more fully; and if that report be printed it can be examined by Members of the House, which will, perhaps, be entirely satisfactory.

Mr. POLAND. Does the gentleman ask whether the committee has submitted a written report?

Mr. MAYNARD. Yes, sir.

Mr. POLAND. We have not made any written report and do not expect to make any. It would be impossible.

Mr. POLAND. But the committee have not yet gone through with the entire work. We have examined a considerable portion in reference to which the report is ready to be presented; but there are various chapters we have not yet examined.

We have not gone through with the entire work and expect to devote a great deal more time to its examination. We have, however, enough examined to lay before the House.

[Page 648.]

Mr. G. F. HOAR. I desire to inquire what is the parliamentary attitude of the bill? Has it been reported from the Clerk's desk?

The SPEAKER. The gentleman from Vermont [Mr. Poland], chairman of the Committee on Revision of the Laws, reports this consolidated revision of the laws for some agreement of the House as to how it shall be disposed of.

Mr. E. R. HOAR. Mr. Durant, of this city, was employed under authority given to the committee at the close of the last Congress.

[Page 649.]

Mr. E. R. HOAR. \* \* \* When we meet for this purpose and we come to a particular chapter, and it is stated that chapter contains no alteration of the law, and the committee has no amendment to suggest from the committee, and no Member present has any amendment to suggest, I do not suppose we need then do more than read it by its title and pass on to the next chapter.

Mr. NIBLACK. I agree with the gentleman, that if we debate it at all we will go on debating it indefinitely, and it will be an endless task. We have to trust the committee in great part. I propose to trust them in every respect, and to vote on this bill as the committee reported it, which is, in my judgment, the most practicable thing we can do. I think we ought to have a reasonable length of time given to Members to examine the subject and to dispose of it in some summary way.

Mr. POLAND. If my friend from Indiana had spent any time on this subject, he would see the utter impossibility of our adopting his suggestion. Now, no one man, no one member of the committee, can go through the whole of this. The work has been parceled out to different members of the committee for their special examination, and each one has some suggestion to make, or some amendment or alteration to move. I have discovered in that portion I have examined some things which I think are not perfect as they stand. We want to amend the work of the commissioners. It is utterly impossible that our suggestions and amendments should be laid before the Members. The work has been printed. It is utterly impossible that Members of this House should know everything about it. While I expect about as much faith will be given to us as my friend from Indiana suggests, I suppose the evening sessions which I propose will be more a session of the committee than of the House; but they will enable the members of the committee who are here, and as many Members of the House as may please to be here, to know about it; and when we go through a chapter, and any amendment is proposed and agreed to, we can then go on to the next chapter. It is utterly impossible that this can all be acted on any other way. We are willing to be out of everybody's way, and therefore I propose a series of evening sessions, which, I suppose, will practically be sessions of the committee.

Mr. NIBLACK. I desire to say one word in this connection. I do not wish to get rid of any responsibility which attaches to me as a Member of this House in regard to this revision or compilation, for I regard it as more of a compilation of existing laws than a revision of them.

Any consideration that may be given in this House will be of necessity merely a formal consideration, and will be likely to do more mischief than good.

[Page 650.]

Mr. LAWRENCE. \* \* \* I know, sir, that it is not possible for any one Member to examine the whole volume. It embodies the labors of commissioners for six years, and also the labors of Thomas J. Durant for nine months. Now, the labors of six years and nine months can not well be understood by any one Member of the House. It is utterly impossible that any one Member should go over this volume to ascertain if the work has been rightly done or not. I do not suppose that with all that has been done absolute accuracy has been arrived at. My friend from Indiana [Mr. Niblack] said that he regarded this as rather a compilation of the laws than a revision of the laws. I am not sure that he is quite correct. This is not a compilation of the laws. This



volume does not undertake to present the text of the statutes on any one subject as enacted by Congress. That would be utterly impossible. You have half a dozen statutes on a different subject, one modifying another, and a subsequent statute modifying both, and it is impossible to collect these together and preserve the original text of the laws passed by Congress. As a consequence of that, this revision undertakes to give not the language of Congress but a transcript of the laws; the reviser translates the ideas of Congress in his own words, giving his understanding of the law in his own words, and that I regard as rather a revision than a compilation.

Mr. POLAND. Well, sir, we will not trouble ourselves about the RECORD at present. The gentleman from Maine [Mr. HALE], who has charge of the naval appropriation bill, is a little impatient, and I am desirous to get this matter disposed of this morning, so as to leave the morning hour of to-morrow to some other committee. I ask unanimous consent that Wednesday and Thursday evenings of each week, beginning with next week, be devoted to the consideration of this measure until disposed of, the House meeting at half past 7, and I am willing that it shall be considered as in Committee of the Whole. Mr. STORM. The House will meet, I presume, for that business only? The SPEAKER. For that business alone; nothing else will be considered in order. If there be no objection, the order will be made. No objection was made. Mr. Poland moved to reconsider the vote by which the order was made, and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

[Page 651.]

Mr. POLAND. It is suggested to me that unless some order be made by the House on the subject, the Congressional Printer will be bound to print this revision of the laws in the CONGRESSIONAL RECORD. I had not anticipated any such consequence.

The SPEAKER. The Chair thinks he will not be so bound; he will have to insert merely the title.

[Jan. 21, 1874, p. 819.]

The SPEAKER. Last week the House ordered that on Wednesday and Thursday evenings of each week at half past 7 o'clock there should be sessions to consider the consolidated statutes of the United States, as reported by the Committee on Revision of the Laws. During the consideration of that subject the gentleman from Massachusetts [Mr. G. F. Hoar] will occupy the chair as Speaker pro tempore.

The motion of Mr. Hale of New York was agreed to, there being—ayes 90, noes 55; and accordingly (at 4 o'clock and 15 minutes p. m.) the House took a recess till half past 7 p. m.

#### EVENING SESSION.

The House reassembled at half past 7 o'clock p. m., Mr. G. F. Hoar in the chair as Speaker pro tempore.

#### REVISION OF THE STATUTES.

The SPEAKER pro tempore. The House meets this evening for the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."

Mr. POLAND. Mr. Speaker, the general purpose of the committee is very well shown by the title they have agreed upon for this revision. I will take no time to go into the history of this matter. It is known to every gentleman on this floor that for three years we had three commissioners at work revising the statutes of the United States.

Our statutes had fallen into such a state of almost inextricable confusion that for many years it would have been almost impossible for anyone to ascertain from the statutes what the law was upon any particular subject. These commissioners had three years in which to complete their work. The time expired early in May last. Under the act by which these commissioners were appointed they were authorized to make changes in the law to a certain extent for the purpose of harmonizing the provisions of the statutes, of which liberty they availed themselves to some extent but probably not to any greater extent than by the law they were warranted in doing.

Mr. BECK. Is this the book as revised by Mr. Durant, or is there a separate report?

Mr. POLAND. That is the volume as revised by Mr. Durant.

Mr. POLAND. I ask the Clerk to read—

The SPEAKER pro tempore. The question is on the engrossment of the bill. Unless other order is made by the House, the Chair will direct the several chapters of the bill to be read by their titles.

Mr. POLAND. I apprehend, Mr. Speaker, the first question will be on the adoption of this title which the committee has submitted.

The Clerk read as follows:

"House bill No. 1215, to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."

Mr. ELDRIDGE. If the gentleman will allow me, this volume, which he says contains the whole thing, has no title whatever.

Mr. POLAND. The committee move this title.

Mr. ELDRIDGE. That is not in this volume.

Mr. POLAND. It is our first amendment.

Mr. ELDRIDGE. Does it come under another erratum? I think the title had better be deferred until we get through with this bill. The title is the last thing in order in legislation.

Mr. POLAND. We desire to establish, in the first place, that this was not a work where there was to be new legislation.

Mr. ELDRIDGE. We ought to have the babe before we christen it. [Laughter.]

The SPEAKER pro tempore. The understanding of the Chair is that the bill has had several readings by its title without objection. The title which has been just reported by the committee is the title read to the House on the second reading of the bill.

The SPEAKER pro tempore. The Chair will complete his statement, with the leave of the gentleman from Wisconsin. This stands as the title of the bill unless a motion be made to amend it. It will be in order after the adoption of the bill, with or without amendment, as the case may be, to amend the title. This now stands as the title of the bill.

The SPEAKER pro tempore. The House is not in session as a Committee of the Whole, but is in session as the House in execution of a special order.

The Clerk proceeded to read the bill.

The following section was read:

"SEC. 3. The word 'vessel' includes every description of water craft or other artificial contrivance used, or capable of being used, as a means of transportation on water. It also includes every utensil for holding liquid or other substances."

Mr. LAWRENCE. Mr. Speaker, the act of Congress of June 27, 1866, authorized the appointment of three persons, learned in the law, for the term of three years, as commissioners—

"To revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature." (14 Stats., 74.)

The commissioners were duly appointed, and executed a part of the work assigned them, when the term expired. Congress by act of May 4, 1870, revived the original statute and authorized the appointment of three commissioners to complete the work within three years. (16 Stat., 96.) The commissioners were duly appointed. They were authorized not merely to copy and arrange in proper order and classify in heads the actual text of the statutes in force, but to "supply the omissions and amend the imperfections of the original text."

[Page 828.]

The amendment was agreed to.

The Clerk read as follows:

"SEC. 82. After the 4th day of March, 1875, no money shall be paid from the Treasury for the publication of the laws in newspapers."

Mr. CONGER. We have made a good start in this good work to-night, and I move that the House do now adjourn.

Mr. POLAND. I would suggest that at the rate we have gone to-night it will take a hundred evenings to complete the work.

Mr. CONGER. I think we had better not discourage Members by keeping them too late the first night.

Mr. E. R. HOAR. I will say to the Members of the House present, if they think we can safely go on, without the reading, to the end of this title (title 2, the Congress), that I have carefully compared every section in that title, and that there is no amendment to be offered by the committee or by the revisers; and I believe that every section will be found to correspond exactly with the law as it now stands—the laws being recent which apply to the subject—with one single exception. This is in section 89, where the committee propose to strike out three or four words which are wholly unnecessary. That is the whole amendment, to the end of this title, which they propose to make. If it would be in accordance with the wishes of gentlemen present that these chapters under these circumstances should be read by their title, and that we should consider the work completed as far as title 3, commencing on page 28, this would make about the proportion of work we had hoped to get through with to-night. If any gentleman objects, or has any reason to think that there is anything here to which he wishes to call attention, I will not press the suggestion I have made.

The SPEAKER pro tempore. Does the gentleman from Michigan [Mr. Conger] insist on his motion?

Mr. CONGER. I am under the necessity of objecting to-night to passing over any of these chapters without reading. I may assent hereafter to such a thing being done.

Mr. E. R. HOAR. Then I assent to the motion of adjournment.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at 9 o'clock and 55 minutes p. m.) the House adjourned.

[Jan. 22, 1874, CONGRESSIONAL RECORD, p. 849.]

#### EVENING SESSION.

The House reassembled at half past 7 o'clock p. m., Mr. G. F. Hoar in the chair as Speaker pro tempore.

Mr. SPERR. Has the reading of the bill been dispensed with?

The SPEAKER pro tempore. The bill has had two readings.

Mr. SPERR. In full?

The SPEAKER pro tempore. By title. The Clerk will proceed with the reading of the bill.

Mr. DURHAM. I understood one of the committee who had this branch of the subject under consideration said he could vouch for the correctness of the balance of this title; and if there is no objection, I move that the balance of this title be read only by the titles of the chapters.

Mr. POLAND. The committee, I believe, proposes a slight amendment in section 89.

The SPEAKER pro tempore. If no objection be made, the reading of the sections, with the exception of section 89, will be omitted.

[Page 850.]

Mr. POLAND. Therefore all the legislation subsequent to the 1st day of December is to be an alteration of the law as we will leave it.

Mr. DURHAM. I inquire whether the reading of this, too, can not be dispensed with?

Mr. E. R. HOAR. There is an amendment to be made in the next section.

Mr. DURHAM. Of course, except as you propose to amend it.

Mr. MCCRARY. There is no possibility, and, indeed, there is no necessity, for reading this entire volume through; and when we reach the beginning of each chapter I see no objection to making a general order to read the title only and such sections as may be designated, in reference to which there may be some amendment to be offered, either by the committee or by any gentleman upon the floor. And to carry out that suggestion, I propose to make the following order.

Mr. POLAND. So far as the committee are concerned, they prefer no order should be made, but that we proceed by unanimous consent. We have no reason to suppose that every Member of the House is not anxious to get on with this work as speedily and as well as it can be done. I think we had better trust ourselves to the House than to have any order made.

The SPEAKER pro tempore. Unless some order is adopted, under the rules of the House any Member may require the reading of any chapter of the bill, so that nothing will be gained by the course suggested by

the gentleman from Vermont. If the House wishes to adopt the course suggested, an order had better be adopted to that effect.

Mr. CONGER. I believe it is understood by common consent that we shall proceed in the course proposed.

Mr. LITTLE. Mr. Speaker, after several nights of the evening sessions, on April 1, 1874, the Committee on Revision completed its work and the bill was passed, as appears on page 2714 of the CONGRESSIONAL RECORD of that date.

During the evening Mr. Poland presented a written copy of the last chapter of the Revised Statutes on "Repealed provisions," which is the last title of this bill, to be known here as "establishing the code." You will see by the RECORD there that up till that moment those important provisions had not been presented to the House and had never been printed when they were passed and adopted. One Member suggested that they should be sent to the printer and that the House should wait until the next meeting to take them up, but it was decided it would take too much time. So when this code bill was presented 47 years ago the final title did not appear until the last night, and appeared then unprinted, important as it was. After seven years of effort the bill passed the House, the committee having offered its last amendment, and here is the record of that event:

The amendment was agreed to.

Mr. POLAND. I now move the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. Poland moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

Mr. RANDALL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock p. m.) the House adjourned.

This was at the evening session, and the bill then went to the Senate, and the House may be interested in some of the things that happened there, which follow:

#### REVISION IN THE SENATE.

In the CONGRESSIONAL RECORD of May 25, 1874, Senator Conkling, chairman of the Committee on Revision of the Laws, reported to the Senate H. R. 1215, to revise and consolidate the statutes in force December 1, 1873. He said:

They are now as nearly right as we can hope to get them by any additional process to which they could be subjected.

Senator Martin said:

I inquire whether these commissioners or the joint committee have condensed the statutes, changing their phraseology and clothing them to any considerable extent in new language.

Mr. Conkling said:

The commission find, if you please, a page of sections relating to a particular subject have condensed the true intent and meaning of that page of sections into words as few as they could employ for that purpose. Such has been the aim and object of the work. \* \* \* And although phraseology, of course, has been changed, the aim throughout has been to preserve absolute identity of meaning, not to change the law in any particular, however minute, but to present in miniature or in condensation the law in all its parts, as it was actually found to exist dispersed through 17 volumes of statutes.

On page 4264 of the CONGRESSIONAL RECORD, May 26, 1874, Mr. Conkling moved to proceed to the consideration of the bill:

The PRESIDENT PRO TEMPORE. The bill is before the Senate.

Mr. CONKLING. Then I ask by unanimous consent the reading of the bill be waived except so far as the reading of specific parts of it may be called for by Senators.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so understood.

The Senate adjourned then, leaving this as unfinished business.

In the CONGRESSIONAL RECORD of May 27, 1874, page 4284, the bill was taken up.

The Chief Clerk read title 74, repealed provisions.

The bill was reported to the Senate without debate.

Senator Edmonds inquired as to how sure the committee was that it "does embrace existing law and nothing new," "as we necessarily take this revision entirely on trust?"

Mr. CONKLING. That is not a very easy question to answer. "How sure is the committee?" I scarcely know how to answer that.

Perhaps I should be more candid in my answer if I were to say to the Senator from Vermont that I have no expectation that this work is free from error. I have never known any revision of laws that was.

I presume errors will be found here, and as they are developed they must be corrected by future legislation.

Mr. EDMONDS. \* \* \* But it is impracticable, as a fact, to do that at this session of Congress; and the question therefore recurs—whether we are to let it go or whether we are to take it, as the committee ask us to do, in bulk, without reading or knowing its contents otherwise. I am disposed, for one, to take it, because, as the Senator from New York says, it undoubtedly does contain a very carefully prepared saving of all created and existing rights of everybody; and if there are errors, of course, they can be corrected hereafter, although that is not a good way to legislate as a rule.

Mr. CARPENTER (Mr. Anthony in the chair). The Senator from Indiana says this is a dangerous thing. That is undoubtedly so. It is dangerous to pass any law, because there may be a mistake in it that will harm somebody. That danger is inherent. We can not avoid that difficulty. Every exercise of sovereign power is dangerous in that sense, that if there is an error lurking in it and if it is not discovered it may do harm.

The Senator says this work has been done by three commissioners, and from that he derives an objection to it. I think it would have been an improvement if it could have been done by one competent man. Where you have got one thing to do, whether it be to carve a statue or paint a picture or revise the laws of Congress, if it can be done by one mind, you are more likely to have it correct than you are if it is participated in by more than one.

Now, what does the Senator suppose would become of that revision if it were to come in here and take the fate of ordinary bills in the Senate Chamber? The youngest boy born in this country to-day never would live to see it disposed of. Suppose it were put into installments, part of it taken up one session and part another, by the time you had gone through two or three sessions your accumulated legislation would make a new revision absolutely necessary; you never would end anything and never would come to any conclusion.

Undoubtedly there will be found errors in this revision. There never was a revision made, as the Senator from New York has said, that did not have errors. It is not in the nature of things that the revision of so many statutes should be absolutely perfect. All that we can do is to give it every guaranty that such a work can have that it is correct. The great benefit of it is that it gives us a starting point for the law, and if errors are discovered, as undoubtedly there will be more or less, they are to be corrected by subsequent legislation, and every man, every citizen, every lawyer, every judge knows what he has got to start with to find what the law is. He is to start with that volume, and then subsequent legislation is all he has got to discover. Tell any common man in the complicated relations of official life who is an internal-revenue collector, if you please, or has something to do with the distilling business, that he is supposed to know all the law on that subject and it is to be found in 17 volumes, and he is to be indicted if omits a single particular or mistakes a single provision, and he would as soon go to the insane asylum at once as attempt to wade through it. Now, then, he has got a start. He has got the statute of revision; and then he has got to look to subsequent legislation and nothing else, and is certain he has all the enactments on the subject before him.

The bill was ordered to a third reading, read the third time, and passed.

Mr. LITTLE. Mr. Speaker, from a glimpse of these old records one gets a good view of just how the House passed the only code the United States ever published. You will readily observe that the care and preparation given that bill does not compare with that given the present bill. The first part of this bill was presented to the House nearly a year and three months ago, so that the Members could read it. Almost a third of it was published so that every Member had an opportunity to read it and every critic a chance to examine it more than eight months ago, and it has been appearing since in galley form continuously. The old bill was not nearly completed when the House began to act upon it and the last great chapter was never printed until after it was passed. This bill must be at least fully as accurate as the other one, which has withstood the storms of almost half a century. At that time except that the committee had read to the House the particular sections comparatively insignificant in number which the committee desired to amend, the bill was read each time by title only. It was conceded that no advantage would be gained by further reading and that if further reading were attempted it would be impossible for the United States to ever have a code, without which their laws would remain scattered as they were then through 17 great volumes. There was no general debate in the House and the moment the committee's last amendment was adopted, the previous question was moved and carried, and the bill was passed, being read by title, and the House adjourned. In the Senate not a line of the bill was read, and less than an hour's discussion occurred. Conkling, Edmonds, Carpenter, Morton, among the greatest lawyers and Senators who ever served our country, took part in those proceedings. In the House, Garfield, Hoar, Beck, Alexander H. Stephens, Butler, Poland, men of equal distinction at the bar and in the councils of the Republic, participated in a discussion of and the adoption of that great measure, all by these almost summary proceedings. That bill possessed no citation at the heel of each section, as does this bill, by which its accuracy can be tested. That bill had no report, and the report in this bill on each section is with the section. We hope that the Members will make examination for themselves. The committee feels that every possible care has been taken and that the bill is as free from the probability of mistake as it can be made, so we present it for the approval of the House, in the hope that the bench, the bar, and the litigants of our country, for the first time in a long generation, may be able to find the law of the land with accuracy and promptness whenever they shall appeal to it.

The committee reports unanimously in favor of the adoption of this Code of the Laws of the United States, and hopes that it may receive the approval of the House at the earliest possible date, so that it may have time for consideration in the Senate.

Mr. MOORE of Virginia. Mr. Speaker, I did not know until this morning that anything would be expected of me in the



way of a statement about this matter, but having been informed that something would be expected, I have made a brief summary of the reasons that influenced the undertaking which our committee has now completed.

The statute law of the United States, which has in the course of time become very extensive, is now to be found in the Revised Statutes—a single large volume—published in 1878 and the many volumes of Statutes at Large published since then.

The passage of this bill, which embodies a complete codification, will gather into one volume of 1,251 pages, exclusive of the index, and containing 10,747 sections, the entire statute law as it was in effect on the 4th day of March, 1919. This volume as now actually printed and submitted for consideration and approval will be furnished with a careful and exhaustive index made in the same manner in which the Statutes at Large are indexed.

The committee—and the credit is due very largely to the able and energetic chairman [Mr. LITTLE]—was led to undertake this compilation work by several facts of a very controlling character, some of which I may indicate.

The mass of statutes, which are scattered through many volumes, for that very reason are not available for quick and easy reference. This makes difficult the ascertainment of the law on any given subject and the use of the law as evidence in the trial of cases.

The publication of 1878 is now out of date, and there has been but a limited distribution of the annual publications. The compilations issued by various publishing companies and individuals are unofficial, and they are expensive, their present cost, as I found this morning by inquiry at a local bookstore, ranging from a maximum of over \$100 for an annotated compilation to a minimum of about \$10 for the very cheapest compilation now purchasable.

Mr. BEE. Will it interrupt the gentleman if I ask him a question?

Mr. MOORE of Virginia. Not at all.

Mr. BEE. Complimenting the committee on its work, why is not the index included in the volume that has been published as a part of it?

Mr. MOORE of Virginia. The indexing of the Statutes at Large has, I believe, always been done under the direction of the Joint Committee on Printing. This bill, if approved by the President, will, I assume, go into the hands of that committee and the index will be prepared under its supervision.

Mr. BEE. Is it proposed to take these volumes in the pamphlet form that are now supplied and bind them and furnish them to the public at cost price, or what is proposed to be done in the way of general distribution?

Mr. MOORE of Virginia. The thought of some of the members of the committee, I being one of that number, is that when this volume is printed, assuming that the bill is enacted into law, it will be freely distributed among the agencies and officials of the Government, and perhaps also among the courts of record of the various States, and that beyond that it will be available to the public at a cost of not more than \$5. The bill is printed in such form—not in the ordinary bill form—that the type or plates used in printing the bill can be used to print as many copies of the volume as are desired or may be directed by Congress.

Mr. BEE. After the bill has been passed and approved.

Mr. MOORE of Virginia. Yes; after the bill has passed and been approved. I was going on to say that the demand for this official compilation, which will be within reach of the public on very easy terms, has been very urgently made by, I think I may say, the general public and by the bench and bar as well as by officials of the Government in the executive branch. Every effort has been made by the committee, as I am in position to testify, to do the work accurately, and I believe it has been done as accurately as is possible. The committee does not, of course, claim to be infallible, but does believe it has produced a codification which is just as dependable as any that has ever been made.

Mr. KINCHELOE. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. KINCHELOE. In the distribution of these copies will it be possible for the individual lawyer to secure a copy of the Government?

Mr. MOORE of Virginia. There is no thought, I believe, that the distribution or sale shall be made otherwise than by the Government itself. I hope very much that it will be possible for the Government to sell the volume at a price not to exceed \$5 and to anyone who wishes to buy it.

Mr. RAKER. Will the gentleman yield?

Mr. MOORE of Virginia. Certainly.

Mr. RAKER. I understand the revision brings up to date the law in force up to the adjournment of the last session and excludes all that has been repealed and abrogated otherwise, and that there has been no attempt at amendments or additions.

Mr. MOORE of Virginia. That is correct. We are submitting a compilation or codification and not a revision. It would have been an almost endless and a dangerous task to attempt to do more than compile. The aim has been to reveal in a single volume all of the living law, as it was enacted, without any change that can be regarded as an amendment or addition.

Mr. RAKER. One further question: The material that the committee have accumulated, as suggested by the gentleman from Virginia and also by the gentleman from Kansas when the act was originally enacted with its amendments and additions—when the volume is finally printed, can all of that be inserted at the end of each section so that we can have an entire history of the section?

Mr. MOORE of Virginia. There is such a history afforded by the references given in the individual sections to the statutory sources from which they are derived.

Mr. RAKER. So that if one picks up a section as now printed he will find the history of that statute from the beginning down to the compilation of the act?

Mr. MOORE of Virginia. He will find the history furnished by citation in each section of the enactments that have been consulted in determining that the law is as written in that section. I hope very much that gentlemen may find it practicable to examine the bill before it is brought forward for consideration so that the advantage of their criticism may be had.

#### WAR TROPHIES.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 643, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table the bill S. 643, disagree to all the Senate amendments, and agree to the conference asked for. The Clerk will report the title to the bill.

The Clerk read as follows:

S. 643. An act to provide for the equitable distribution of captured war devices and trophies to the States and Territories of the United States and to the District of Columbia.

Mr. GARD. Reserving the right to object, has the gentleman taken this up with the ranking member of the Committee on Military Affairs?

Mr. KAHN. I have not taken it up with Mr. FIELDS, for I have not seen him here; but I am quite sure that it will be satisfactory to him. I propose to put him on the conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. KAHN, Mr. McKENZIE, and Mr. FIELDS.

#### BALTIMORE DRY DOCKS & SHIPBUILDING CO.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill (H. R. 1865) for the relief of the Baltimore Dry Docks & Shipbuilding Co. The bill was passed by the Senate March 23 and referred back to the Committee on Claims on March 25.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to discharge the Committee on Claims from the further consideration of the bill H. R. 1865.

Mr. WINGO. What is the necessity for this action?

Mr. EDMONDS. I wish to get the bill through. The Senate took out the clause which the House disagreed to—

Mr. WINGO. The gentleman wants to get the bill before the House?

Mr. EDMONDS. Yes. If my request is agreed to, I propose to make a request to agree to the Senate amendment and let the bill go through.

The SPEAKER. Is there objection?

Mr. GARD. Reserving the right to object, what is the bill?

Mr. EDMONDS. This bill is to send the case to the United States court for adjudication. It grows out of a collision that occurred between two boats. The Senate amendment strikes out the appropriation of money, and if we agree to the Senate amendment there is no appropriation, but it refers the matter to the court for settlement.

Mr. GARD. Is it a bill that the House passed?

Mr. EDMONDS. The House passed a bill with a clause in it appropriating the money. The Senate struck out that clause, and I simply want to agree to that amendment, as it seems to

be the sentiment of the House that we should not appropriate money for these claims.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. MONTAGUE. This bill follows one or two precedents, does it not?

Mr. EDMONDS. It follows what the House has agreed to in bills that have passed since this bill passed the House.

Mr. MONTAGUE. There have been several acts on the same subject.

Mr. EDMONDS. Yes.

Mr. BEE. As I understand it, it merely proposes to conform to the Senate views and strikes out the appropriation of money that the House has passed, and let it go to the court, so that the court may adjudicate it, whatever amount may be due.

Mr. EDMONDS. That is correct.

Mr. GARD. What was the original appropriation?

Mr. EDMONDS. It was not an appropriation. It allowed the court to pay the damages, whatever they were.

Mr. GARD. What was the appropriation carried in this bill as it passed the House?

Mr. EDMONDS. None at all. It allowed the courts to pay the damages, whatever were found.

Mr. GARD. I understood the gentleman to say that there was an appropriation and that the Senate struck it out.

Mr. EDMONDS. There was an authority for an appropriation. The bill provided that any decree of the court should be paid out of the money in the Treasury of the United States. That authority was in the bill.

Mr. GARD. And what is the Senate amendment?

Mr. EDMONDS. It struck out that and it allows the court only to adjudicate the claim and report back how much the damage is.

The SPEAKER. Is there objection?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I now move that the Senate amendment be agreed to.

The SPEAKER. The gentleman from Pennsylvania moves that the Senate amendment be agreed to. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 2, line 7, strike out all after "further" down to and including "further" in line 11.

Mr. WALSH. Mr. Speaker, will the Clerk report the language stricken out?

The SPEAKER. The Clerk will report the language stricken out.

The Clerk read as follows:

That should damage be found to be due from the United States to the owner of said dry dock, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated for: *And provided further.*

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

#### DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15130) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1922, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill, with Mr. Hicks in the chair.

The Clerk reported the title of the bill.

The Clerk read as follows:

Office of corporation counsel: Corporation counsel, \$4,500; assistants—first \$3,000, second \$2,500, third \$2,000, fourth \$1,800, fifth \$1,500, sixth \$1,500, seventh \$1,500; clerk, \$1,400; stenographer and typewriter, \$1,200; two stenographers, at \$900 each; clerk, \$720; in all, \$23,420.

Mr. BEE. Mr. Chairman, I move to strike out the last word. I notice that the compensation of the corporation counsel is fixed at \$4,500. Do the duties of the corporation counsel require all of his time in the discharge of his office? City attorneys all over the United States, in much smaller cities, draw larger pay than that.

Mr. DAVIS of Minnesota. He spends all of his time in connection with the duties of that office and in connection with his duties as counsel for the Public Utilities Commission.

Mr. BEE. Does he receive additional compensation for that?

Mr. DAVIS of Minnesota. He receives \$1,000 for that.

Mr. BEE. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

In all, Public Utilities Commission, \$43,340.

Mr. GARD. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. Is there any increase in this salary of the executive secretary of the Public Utilities Commission?

Mr. DAVIS of Minnesota. There is not.

Mr. GARD. The Public Utilities Commission, as I remember it, is composed of the personnel of the Commissioners of the District of Columbia.

Mr. DAVIS of Minnesota. That is correct.

Mr. GARD. Has there been any bill from any legislative committee which seeks to make a different Public Utilities Commission than one composed of the Commissioners of the District?

Mr. DAVIS of Minnesota. I do not know of any. It has been suggested; I have heard it rumored that there would be, but I know of none.

Mr. GARD. It would seem to me that the Public Utilities Commission in the District of Columbia, being composed, as it is, of the Commissioners of the District, does not constitute the kind of body which would have the opportunity of devoting the very necessary services which a public utility commission should demand. We are sadly in need in the District of Columbia of better public utilities. We have the very strange situation here in the District of having two street car lines, one line making money, in a thriving condition, and the other with an increased fare unable to make money. The additional fare is thrust upon one street car company and a growing increase in fare is continually asked by the other. The service of the street car companies is not similar. In the past there seems to have been no way by which these different street car companies could be under such supervision by the Public Utilities Commission that would require uniformity of service. Of course, it is true that one street car company has a greater area of traffic in what may be called suburban districts, and possibly that to some extent would control the fact that it seems to be unable to get along in a financial way; but whether that be a thing of immediate interest or not, I take it that the people of the District are entitled to a street car service and a public utilities service which are consistent with the amount of money they are required to spend. We get on one of these cars, if we are successful in getting on at all, and for seven and a half cents, I believe, if we buy four tokens, we are accorded the privilege of carrying these lavallière-like sections around in our pockets, and now one of the street car companies wants us to part with this great privilege and to pay the street car company a straight fare of 8 cents. This is something that affects everybody in the District, and I make this statement to bring it to the additional knowledge of the chairman of the committee to see what information he has. Does he not think that better results could be obtained if we had a well-organized and efficient public utilities commission composed of others than the Commissioners of the District?

Mr. DAVIS of Minnesota. I hope the gentleman does not want me to denounce the present commission, who act as a utilities commission, for their actions?

Mr. GARD. No; I do not want to denounce anybody.

Mr. DAVIS of Minnesota. Every word the gentleman has said is familiar to me and the committee of which I am a member, every word of it. Now, I know of no objection to these companies uniting, consolidating, and arranging the matter satisfactorily. I know of another way to compel them, and that would be by legislation. I question very much whether the utilities commission under the present law could do it. There has been very much discussion along that line. I agree very much with what the gentleman has said, but I do not believe that the utilities commission as at present organized has neglected their duty as far as the law authorized them to proceed.

Mr. GARD. I do not want the gentleman to understand; I have even suggested that they have neglected their duty. My suggestion is that the public utilities law be so amended as to give increased authority for doing those things I think should be done in the interest of the people of the District of Columbia.

Mr. DAVIS of Minnesota. I know the gentleman is right along that line, but it is a matter of legislation rather than anything that should appear upon an appropriation bill, and that is one reason why this committee has not taken this matter up.

Mr. BEE. Mr. Chairman, I move to strike out the last two words. I want to ask the gentleman from Minnesota, if I may have the attention of the chairman of the committee—a moment ago the gentleman said that the salary of the corporation



counsel was taken care of with a thousand dollars additional from the funds of the Public Utilities Commission. I want to ask the gentleman under which heading or item the thousand dollars additional salary for the corporation counsel would be found?

Mr. DAVIS of Minnesota. In lines 9, 10, and 11, page 9, the gentleman will find the following:

For incidental and all other general necessary expenses authorized by law, including the employment of expert services where necessary, \$12,500.

Mr. BEE. Who will authorize the \$1,000 to go to the corporation counsel?

Mr. DAVIS of Minnesota. The law does.

Mr. BEE. In furtherance of what the gentleman from Ohio [Mr. GARD] has just said, I want to ask the chairman of the committee what are the duties of the Public Utilities Commission in the city of Washington? The street car companies belong to private individuals. What public utilities in the city of Washington are controlled by the Public Utilities Commission, if any?

Mr. DAVIS of Minnesota. Gas, telephone, electric light, street railroads, and a number of others.

Mr. BEE. They all belong to private institutions?

Mr. DAVIS of Minnesota. Yes.

Mr. BEE. This Public Utilities Commission is composed of the present Board of Commissioners—

Mr. DAVIS of Minnesota. By positive law now upon the statute books.

Mr. BEE. I am not much of an advocate of public ownership, but I have often wondered whether it would not be well to experiment on the District of Columbia by owning the street car and telephone systems and take them out of the hands of the people who create the conditions the gentleman from Ohio has so well expressed.

Mr. DAVIS of Minnesota. There is a diversity of opinion along that same line.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For postage for strictly official mail matter, \$12,500.

Mr. BLANTON. Mr. Chairman, I make the pro forma amendment to strike out the paragraph.

Mr. DAVIS of Minnesota. Which paragraph?

Mr. BLANTON. The one just read.

Mr. DAVIS of Minnesota. Telephones?

Mr. BLANTON. The whole paragraph that has just been read, for the purpose of calling attention to a matter which I think is pertinent.

Mr. Chairman, Washington newspapers reported in August last that Mr. Joseph H. Hurley, president of the organization of city employees in Washington, demanded of the Commissioners of the District of Columbia that unless a certain specified wage increase was granted within two days to the several thousand employees in his organization they would strike and tie up every public utility in the District. Even water for the whole District of Columbia, with its 455,428 people, was at stake. The commissioners hesitated and asked for more time. Government Conciliators Mahany and Colpoys, from the Department of Labor, being union sympathizers, tried to force compliance and prevent more time being granted. I immediately sent the following telegram:

ALBANY, TEX., August 6, 1920.

Hon. LOUIS BROWNLOW and Col. CHARLES W. KUTZ,  
Commissioners District of Columbia, Washington, D. C.:

The law and Constitution loving citizens of the United States heartily indorse your action in refusing to be held up and subject Government business to demands of highwaymen. If Government employees strike, then kick them out permanently, as Coolidge did police in Boston, and fill their places with loyal service men. As one Member of Congress I denounce the action of Conciliators Mahany and Colpoys as a disgrace to our Government and grounds for their immediate removal from public office. The first duty Congress owes to the people is to separate all Government employees from striking organizations. The United States must remain the one supreme Union, enforcing law and order and protecting all of its people against selfish class demands.

THOMAS L. BLANTON,  
Congressman.

I received the following reply from the commissioners:

ENGINEER COMMISSIONER DISTRICT OF COLUMBIA,  
Washington, August 7, 1920.

Congressman THOMAS L. BLANTON,  
Albany, Tex.

MY DEAR MR. BLANTON: Beg to acknowledge receipt of your telegram of August 6, in which you indorse the action of the commissioners in refusing to accede to the demands of the City Employees' Union, even when supported by the conciliators of the Department of Labor.

We believe that we are entirely right in the matter, and appreciate your words of commendation.

Very truly, yours,

C. W. KUTZ,  
Colonel, Corps of Engineers, U. S. Army,  
Engineer Commissioner District of Columbia.

In the last session of Congress we fortunately succeeded in separating the police and the firemen in the District of Columbia from the American Federation of Labor and strike organizations. It is equally as important that we should separate all other employees of this Government from strike organizations, and prohibit them from striking against their Government. Otherwise, sooner or later, we are going to have the disgraceful spectacle of Government employees striking against their own Government.

Let me read you the following from the leading daily newspaper in Wichita, Kans., issue of December 10, 1920:

#### WILL THE ARMY BE UNIONIZED?

Local No. 215, Fort Benjamin Harrison, Ind., has been formed recently. Its membership is drawn from the quartermaster's department of the detachment of the United States Army stationed at that place.

This local is a part of the National Federation of Federal Employees. Federal employees throughout the Nation have become pretty well organized into unions, and the main office is at 1423 New York Avenue NW., Washington, D. C. Among the members of this organization are postal employees, railway mail clerks, and various law-enforcement officers of the Government service.

The organization of the labor branch of Federal service is one thing. The organization of public safety officers is another. The unionization of law-enforcement officers recalls the issue brought up on the Boston police strike, and the move to unionize the Army itself is a new and startling one.

What would happen if the United States Army should be entirely unionized and some radical leader should issue an order that was in conflict with the orders of the Government or superior officers? Would the soldier obey his union officer or his Army officer? Could a soldier strike for higher wages? Could he refuse to serve except upon condition that certain demands were granted?

We do not believe this new move is generally known. So far as we have noticed there has been no public statement of the project. It may be well to inquire into the nature and purpose of the enterprise.

I heartily congratulate the United States Senate for passing yesterday the Poindexter bill to prevent strikes on railroads, where the United States mail and our commerce, as well as human beings, are to be protected in the future. We ought to promptly pass that measure as soon as it reaches the House.

The industrial problem with no agreed solution is still the most dangerous menace to our Republic. Every posted statesman knows that here as in Europe organized labor is controlled by foreign radicals in deep sympathy with the Russian Soviet. England, France, and Italy have all been cowed by it ever since the armistice, and can not fight or repel bolshevism because sympathizing unions forbid. Col. House warned in vain. In Italy unions have forcibly taken mines and factories away from the owners, are holding same by armed forces, and threaten to confiscate all industries. Italy's Government seems impotent to protect life and private property. This same doctrine is openly preached and advocated by unions in England, France, and the United States. Labor journals here are still advocating and demanding the Plumb plan, which is to take the \$20,000,000,000 of privately owned railroad properties away from the owners and turn it over to the employees. Members of the machinist's union still threaten to take over and confiscate the steel mills. Miners still threaten to take over and confiscate the coal mines. Employees still threaten to take over and confiscate all the factories. All industries are thus menaced by bolshevik threats.

And while the public still sleeps and officials are cowed, unions are successfully carrying out their program. They will support only such candidates who will bind themselves unequivocally in pledged questionnaires answered to their satisfaction.

The soviet procedure of taking over and confiscating all industries is their ultimate goal. They are strengthening their forces through propagation of the closed shop. And this is why Samuel Gompers has recently denounced the Chamber of Commerce of the United States, because in its program to save the Republic from bolshevism it has insisted on the open shop.

On front pages numerous labor journals claim a great closed-shop victory, asserting that by over 75,000 votes Texas conclusively repudiated the open shop. This is not true. Fully 100,000 ardent advocates of the open shop voted for Mr. Neff. Many ignored this question. Many held it in abeyance, deeming other matters of controlling importance. Many did not understand the question or its scope or the full meaning of its descriptive idioms. Many personally disliked its champion. With the closed-shop issue fully understood and fairly before the people of Texas for decision, there would be a majority of more than 200,000 in favor of the open shop, for without it democracy and our Republic are doomed.

During the campaign for governor in Texas it is simply remarkable how many divergent views were expressed over the meaning of the terms open and closed shop, collective bargaining, and sympathetic strikes. Even Senator Bailey, able and usually well posted, displayed unfamiliarity and a want of understanding, for when answering my question 3, which I

publicly propounded to the four candidates for governor, viz, "If elected, will you favor a law prohibiting all sympathetic strikes?" he answered, "No," because he said he believed that a man had the right to quit work whenever he pleased, with or without reason. Such inapropos answer was wholly irrelevant to my question, for in every sympathetic strike there are employees who are perfectly satisfied with their jobs, who have no grievance whatever against their employer, and who don't want to quit work, but who are forced to strike because their union has been influenced to so vote by some other union the members of which have a grievance. And in every sympathetic strike unions ruthlessly break sacred contracts. Unions hold their contracts binding upon and enforceable against employers, but so far as their own obligation is concerned treat contracts as mere scraps of paper. And thus unions make collective bargaining a farce.

What do these labor terms really mean? When employees organized into a union, acting through it or affiliation with other unions, select a common representative to act for them in negotiating the terms of a contract of employment with some employer, such constitutes collective bargaining. No sane public would deny to labor such a right. But a sane public must demand of labor that it respects its contract and performs it, and not treat it as a mere scrap of paper. In recent years labor has broken its contracts at will. There is no recourse. In all of the 6,000 strikes by organized labor during the war, they repudiated a sacred contract, and in all instances made extortionate demands. In the construction of many private buildings the same employees have repudiated their contract repeatedly, forcing a more onerous agreement almost each week, until both owner and builder frequently have been bankrupted before completion. Union representatives have become continual agitators, constantly demanding more and offering less, and assuming the authority of requiring new contracts, even when the employees are perfectly satisfied and are ignorant of such new demands.

Labor has well said that the open shop is the antithesis of the closed shop. The two can not exist together. No employer ever voluntarily consented to maintain a closed shop. There never has been an agreement mutually entered into between the employees and the employer for him to maintain a closed shop. In every case through coercion and intimidation the employer has been forced to thus agree, and thereby lose his right to run his own business, but he invariably passes all of the extra expense on to the public.

The open shop is where the owner at will employs either men or women, and whether union or nonunion, or both, just as he prefers, and exercises his own initiative in the conduct of his business, and has the right at will to specially reward service that is more than ordinarily efficient, and to discharge any employee who renders inefficient service. His employees may contract that he shall open and close at certain hours, that he shall furnish them with certain facilities and conveniences, and that they are to do only certain kind of work. It is a place where every American citizen has equal rights and an equal show without having to join a union.

The closed shop is one where the owner is permitted to employ only union members and where he must conduct his business strictly in accord with specifications dictated in a contract by union representatives; where he is not permitted to discharge any of his employees except his foreman; where he is prohibited from rewarding special efficiency or industry; where he can not change his business system without permission; where all complaints must be decided by union representatives; and where employees strike, walk out at will, refuse to work themselves, and refuse to permit anyone else to work in their places, who picket the establishment and assault and designate as "scabs" every honest American who is willing to earn a living by taking the job, and who will kill and murder and destroy by dynamite before they will let the employer resume business without granting all their demands.

In every controversy between labor and capital the public has paid the bill. All expenses and increases are regularly passed on to the public. Every concession granted is but another burden to be borne by the public. The time has come when the public must be safeguarded. The rights of the public must be held paramount to the rights of both capital and labor. We must force capital and labor to justly settle their differences in a way that will not further disturb the peace of the public. We must require capital to pay a living wage, and we must require labor to earn it by giving service worth it.

But what must be done and what is the solution for this industrial problem? Congress and State legislatures must bravely do their duty. They must quit truckling. The following action must be taken:

Unions must be forced to incorporate and made responsible for their contracts and all lawless acts.

Unions must be forced to purge themselves of all lawlessness, radicalism, and anarchy.

Sympathetic strikes must be prohibited by law.

Picketing of business establishments must be made a serious offense and stopped.

All police and firemen must be forced to separate from striking organizations and strikes by them prohibited.

It must be made a serious offense for any person to threaten, intimidate, or in any way interfere with any other person in their right to work.

Our boycott laws must be made to apply to labor as well as to capital.

The decision of the railway board must be made binding upon employees as well as the railroads. And railroads must be permitted to demote and discharge all inefficient or unsatisfactory employees to insure good service.

Intimidations forcing closed shops must be stopped.

Much of the above must be done by State legislatures as on account of State rights Congress will be prohibited from acting. Our governors and legislatures must follow the splendid example set by Kansas and protect the public from broils between labor and capital.

The late census gives the United States a population of 105,000,000 people. There are 5,000,000 members of unions and 100,000,000 people who do not belong to any union. Surely the rights of the 100,000,000 are superior to the rights of the 5,000,000. Nevertheless unions are now maintaining a strict boycott against the rest of mankind. Their labor journals now are weekly exhorting members of unions not to wear a garment that has not the union label in it, not to patronize a barber shop that is not union, not to buy a newspaper than is not made by a union plant maintaining a closed shop; to trade only at stores friendly to unions and which carry out union requirements. In building construction they will stop work if a single item of material is purchased from a nonunion store. They are instructed to employ union doctors, union dentists, and patronize union teachers where they are accessible. While members of unions feed and fatten off of the other 100,000,000 people whom they designate as "scabs," they boycott them all the time.

The open shop must be maintained throughout the United States. Chambers of commerce in every city must awake to the danger that menaces our Republic, and fight fire with fire. If organized labor can not successfully compete with unorganized labor, and offer to the public an equal amount of efficient service for each dollar paid, then organized labor must suffer, just as every lawyer, doctor, preacher, teacher, editor, and farmer suffers when he is not able to compete with his neighbor.

And Mr. Chairman, we owe it to the people of the United States to establish the American principle of the open shop here in the Nation's Capital. Requiring employees to join a union in order to hold their jobs here is a disgrace. To show you that after all a Congressman who will stand up and fight for all the people, and against class rule, is respected by labor organizations, I want to read to you a letter of commendation I received from Mr. Joseph H. Hurley, president of the City Employees' Association here in Washington, just 10 days after I telegraphed the commissioners here not to give in to their demands.

[City Employees' Association, Locals 127-128, affiliated with the National Federation of State, City, Town, and County Employees. Organized 1907. Office, 1311 G Street NW., rooms 306-307; phone, Franklin 3711. (Union seal 51).]

WASHINGTON, D. C., August 17, 1920.

HON. THOMAS LINDSAY BLANTON,  
Member of Congress, Seventeenth District, Abilene, Tex.

DEAR MR. CONGRESSMAN: This organization, which is made up of the employees of the District government, at its last meeting took up your record since coming to the Congress of the United States as a Member. It gives me great pleasure to announce to you that nothing was uncovered which could be considered as at all discreditable to you. We went into consideration of your record as it pertained to labor very thoroughly, and whilst we differed with you in some respects as concerned minor matters, in the main we find that as regards the larger aspects of labor your votes and speeches were consistently used for the interest of those who toil with their hands.

We, of course, are aware that certain organizations and interests have been captiously critical of you, but our investigation has not justified them in the continuance of this attitude. We believe that men like yourself who are filling high positions should not be subject to harassment at the hands of those who have selfish interests to be served.

In the opinion of the men and women who work for the city government in this the Capital City of this great Nation, the interests of the seventeenth congressional district of Texas, nor any other district represented in Congress, has ever been more worthily and faithfully served than by the present incumbent from the seventeenth, yourself, and it is our hope that the intelligence displayed in sending you here in 1916 will continue to manifest itself for many years to come, and will eventuate in sending you to the Senate when Senator CULBERSON retires in the near future.

Very sincerely, yours,

JOSEPH H. HURLEY,  
President.



That shows you that if a man will stand up and act for all the people of the United States, although this union may fight you for a while, after calm reflection it will stand by you and with you, as many of the good union men did in my district in reelecting me by a good majority. I want to ask you if we are not going at this session to take action which will protect this Government from strikes against it by the public utility employees of this country, the employees of the Government and the Army and Navy. Do not you remember in that book on anarchy which William Z. Foster wrote, and which was printed and sent broadcast throughout this land, that his confederate, Jacob Margolas, the anarchist attorney who was disbarred from practice in Pittsburgh, advocated boring from within by unionizing every police officer, every Government employee, and the Army and the Navy? We ought to take steps right now to stop it. We have got to maintain an open shop in the United States. We ought to begin here in Washington with the United States Government. It is American to maintain an open shop, where every American citizen, man and woman alike, has an equal opportunity and advantage without joining a union and be subjected to the rules and regulations of that union, and where the whole business and commerce of this Government is dictated to by a little handful of class individuals. I appeal to my colleagues to stand here like men when that Senate bill comes here that was passed yesterday, and pass it by unanimous consent. And at the same time, as soon as opportunity offers, pass a law here that will separate every Government employee from striking organizations.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For carrying out the provisions of the act entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes," approved March 1, 1899, to pay members of the board of survey provided for therein, other than the inspector of buildings, at a compensation of not to exceed \$10 for each survey, and to pay the cost of making safe or removing such buildings upon the refusal or neglect of the owners so to do, the unexpended balance of the appropriation made for this purpose for the fiscal year 1913 is reappropriated for the fiscal year 1922.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. How much is this unexpended balance at the present time, this 1913 appropriation mentioned at the top of page 17, for removing dangerous and unsafe buildings?

Mr. DAVIS of Minnesota. It is quite small. It is not very large. They have the \$10,000. I could not tell you until I look at the hearings. I will look it up and let you know in a little while.

Mr. WALSH. Is it considered necessary that we continue this money available for this purpose?

Mr. DAVIS of Minnesota. I think so. They wanted more. I think it is within the limit of \$10,000. They thought they ought to have more than that in case of emergency. In fact, they wanted it double and treble that, but we cut them down to the bone.

Mr. WALSH. Have they expended some money each year since 1913?

Mr. DAVIS of Minnesota. Very little. But there might be an emergency arise in which they would want to spend \$5,000 or \$10,000. It does not do any harm to let it lie there.

Mr. WALSH. It seems to me if this is to be a continuing fund for an emergency the best way to do is to make an appropriation each year rather than carry over an appropriation from 1913.

Mr. DAVIS of Minnesota. I have no objection, and I did not have any at the time, to striking out the entire matter, so far as that is concerned; but it is just as easy to reappropriate as to make another appropriation. There is no special difference.

Mr. WALSH. That is so with a lot of these appropriations. They might be handled that way. It seems to me if this is to be a permanent part of the functions of the commissioners they ought to come in and get an appropriation each year and not ask to have an appropriation made seven or eight years ago continued available. They ought to be able to close their books up each year on all these matters.

Mr. DAVIS of Minnesota. If the gentleman wants to make a point of order, I will not object.

Mr. WALSH. I will not insist on the point of order. I will withdraw the reservation of the point of order, which I did not make.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Court of Appeals Building: For fitting up the top story and basement of the Court of Appeals Building to provide accommodations for the office of the recorder of deeds, including material and labor and each and every item incident to such work, \$22,000, to be available imme-

diately. This work and the expenditure of this sum shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph. How did the Appropriations Committee bring in an item like this?

Mr. DAVIS of Minnesota. I will state to the gentleman that when this new building of the Court of Appeals was erected it was the intention not only to house the Court of Appeals but the recorder also. The Appropriations Committee has been surprised that that was not done. The building was constructed at considerable expense. Now, in the arrangement and the partition of the building among the judges, clerks, and so forth, of the Court of Appeals, they have taken up all the room except the basement, and since then we have been paying \$6,000 a year as rent for the Recorder of Deeds. Now, we have made this appropriation to rearrange the basement and supply the deficiency and have stricken out the \$6,000 for rent each year. In other words, we will save the entire amount of this rent in a little over three years. That is what we have done it for.

Mr. WALSH. That is all right, but your committee has not any jurisdiction.

Mr. DAVIS of Minnesota. All right. Strike it out, and we will continue to pay the \$6,000.

Mr. WALSH. That is all right. These people should come to recognize now that the appropriation should be made by one committee, and legislation must be asked for by the other committees of the House.

Mr. CRAMTON. Mr. Chairman, I understand there is an authorization for this item.

Mr. WALSH. For fitting up the top story and basement?

Mr. CRAMTON. Yes, sir; in the overhauling of that and the building. The Court of Appeals Building has just been extensively remodeled.

It is my understanding that that authorization would include this as well. The Court of Appeals Building, as the gentleman understands, is a large building, which at the present time is occupied only by the Court of Appeals, a court of three members.

Mr. WALSH. Well, the Court of Appeals Building was transformed or refitted under authority carried some few years ago, and that work has been completed, and they have moved in there, and have expended money within the amount set aside for the purpose. This is asking for an additional appropriation which does not come within the authority originally conferred. It is asking for an additional appropriation beyond the amount authorized to be expended for refitting and reconstructing and rearranging this building.

Mr. CRAMTON. The gentleman understands that very frequently an authorization is passed and the appropriations under it are made from time to time. In this particular case the building was remodeled, and a part of it, the third floor, has not been completed, and that being now available for the use of the register, if put into condition, the committee thought it wise to complete the improvements of the building in that way.

Mr. DAVIS of Minnesota. I will state to the gentleman that I have sent for the clerk to the committee to bring the authorities, so that if you will pass this over for a few moments I think we can clear it up.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that this item be passed over temporarily without prejudice, with a point of order pending.

Mr. TILSON. There are probably plenty of idle committees sitting around here that probably have jurisdiction of this matter, and it should be shown that this item is authorized by law. Otherwise it should go out on a point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

District Building: For fuel, light, power, repairs (including \$8,000 for special repairs to the roof), laundry, mechanics, and labor not to exceed \$5,000, and miscellaneous supplies, \$42,500.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. WALSH. What is this special item of \$8,000, repairs for the roof of the District Building, on page 19?

Mr. DAVIS of Minnesota. My understanding is that the roof is leaking badly. They have to keep 40 or 50 pails there now to prevent the leaking roof from injuring the building.

Mr. WALSH. They had \$35,000 last year for repairs of this building.

Mr. DAVIS of Minnesota. Since then the roof has been leaking very badly.

Mr. WALSH. Since they spent that money?

Mr. DAVIS of Minnesota. Yes. I think about \$8,000 is needed for repairs on the roof.

Mr. WALSH. But what is the need of carrying the language, "including \$8,000 for special repairs to the roof," when they have language already in there that will permit them to make repairs to any part of the building?

Mr. DAVIS of Minnesota. The point is to specifically state it, so that next year, when we make an appropriation, we can strike out the \$8,000 and not add it to the \$42,500. This was put in for that reason.

Mr. WALSH. Mr. Chairman, I will withdraw it.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Bridges: For construction and repair, including the allowance to the overseer of bridges for the maintenance of an automobile for use in performance of his official duties of not to exceed \$30 per month, \$25,000. This appropriation shall be available for repairing, when necessary, any bridge carrying a public street over the right of way or property of any railway company, or for constructing, reconstructing, or repairing in such manner as shall in the judgment of the commissioners be necessary reasonably to accommodate public traffic, any bridge required to carry or carrying such traffic in a public street over the right of way or property of any canal company operating as such in the District of Columbia, on the neglect or refusal of such railway or canal company to do such work when notified and required by the commissioners, and the amounts thus expended shall be a valid and subsisting lien against the property of such railway company or of such canal company, and shall be collected from such railway company or from such canal company in the manner provided in section 5 of an act providing a permanent form of government for the District of Columbia, approved June 11, 1878, and shall be deposited in the Treasury to the credit of the United States and the District of Columbia in equal parts.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. Mr. Chairman, I do so simply for the purpose of inquiring of the chairman with reference to who is responsible for the atrocious condition of the so-called parks between the Union Station and the Senate Building, and whether that is looked after under the appropriation in this bill. This may not be the proper place, but I do not know where else inquiry should be made.

Mr. DAVIS of Minnesota. It is not. There is nothing in this bill, at least, about it. The matter has not been called to our attention at all.

Mr. GREEN of Iowa. Is that under the jurisdiction of your committee?

Mr. DAVIS of Minnesota. I can not say, but I hardly think it is. I think Congress appointed a special commission to look after that and clear off that particular plaza between the Union Station and the Capitol; and, as I told the gentleman the other day, I could not remember, but I rather think that our friend, the gentleman from Illinois [Mr. CANNON], is a member of that commission and could tell you something about it. But nothing of that kind has been called to the attention of the Subcommittee on the District of Columbia since I have been a member of that committee.

Mr. GREEN of Iowa. Who pays the expense, and how are the expenses of this commission paid? Is there no appropriation?

Mr. DAVIS of Minnesota. There is no appropriation that I know of, unless it would be carried under the sundry civil bill. I think perhaps the chairman of the committee [Mr. GOON] could tell the gentleman. But there is nothing in the District of Columbia bill, or in the legislative, executive, and judicial appropriation bill, concerning it. Those are the only two subcommittees I am on.

Mr. GREEN of Iowa. Does the gentleman think this would be a matter for the attention of the Committee on the District of Columbia, or what committee?

Mr. DAVIS of Minnesota. Perhaps that, or the gentleman might make inquiry of the chairman of the sundry civil subcommittee. Matters of that kind are usually carried in that bill, amounting to several hundred million dollars. I think if the gentleman will inquire of the chairman of the committee, Mr. GOON, he could tell the gentleman. I am informed that if there is any particular item of street cleaning needed, the commissioners see that the streets are kept clear. The removal of a building would have nothing to do with it.

Mr. GREEN of Iowa. After these buildings are removed I should think it would be a park matter. Does the gentleman's bill cover park matters?

Mr. DAVIS of Minnesota. It does, but there is nothing connected with that in this bill.

Mr. GREEN of Iowa. Has the gentleman no appropriation in his bill for that?

Mr. DAVIS of Minnesota. We have no appropriation for that at all.

Mr. GREEN of Iowa. Part of this region was cleaned up at one time, but under what appropriation it was carried I do not know.

Mr. DAVIS of Minnesota. I think perhaps it was carried in the sundry civil bill.

Mr. GREEN of Iowa. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Hereafter the jurisdiction and control of the Highway Bridge across the Potomac River, including appropriations and employees, shall be under the Commissioners of the District of Columbia.

Mr. WALSH. Mr. Chairman, I reserve a point of order on that paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. WALSH. I would like to ask the committee the reason which prompted them in reporting this piece of permanent legislation on an appropriation bill.

Mr. DAVIS of Minnesota. I will say to the gentleman that we reported this same provision last year, and it went out on a point of order. It is subject to a point of order.

Mr. WALSH. That is what will happen to it now.

Mr. DAVIS of Minnesota. I will ask the gentleman to make the point of order if he desires to; but I will say this, that the War Department has come before us for two different years now and requested that it be taken out of their hands. We make all the appropriations for it, but we have no control over it. They do not want it. They desire to get away from it.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. TILSON. Why does not the gentleman from Minnesota instruct the War Department that under the rules of this House jurisdiction of legislation along that line is conferred upon some other committee, and in addition to that the subcommittee over which the gentleman so ably presides has plenty of other work to do, to consider the amounts appropriated, and that it ought not to be compelled to go into the matter of considering legislation.

Mr. DAVIS of Minnesota. I wish the gentleman would make the point of order. It will relieve me from the responsibility.

Mr. TILSON. If it will relieve the gentleman, I will. There is an able Committee on the District of Columbia that is not overworked.

Mr. DAVIS of Minnesota. I know that.

Mr. TILSON. The gentleman's committee is overworked, and I do not think it ought to begin putting legislation on these bills under the new régime.

Mr. DAVIS of Minnesota. The gentleman is causing the committee more trouble by not making the point of order immediately than he would if he made it at once.

Mr. TILSON. If it will facilitate matters, I will do so.

Mr. CRAMTON. If the gentleman will withhold it for one moment, I think it ought to appear in the Record that the reason for the committee placing this provision in the bill is that the District Commissioners have a bridge engineer and other employees available, and they can save two or three thousand dollars a year by making this transfer.

Mr. TILSON. I am not going into the merits of the proposition. I assume that the disposition of this matter which has been made by the committee is a proper one. I have no doubt of that, but I do have serious doubt as to the propriety of this committee going into the matter at all. The committee has plenty of other work to do, and there are other committees in this House under whose jurisdiction this work should be done. The Committee on Appropriations ought not to take all the legislative duties away from other committees.

Mr. CRAMTON. If the gentleman will allow me, the chairman of the Committee on the District of Columbia [Mr. MARES] is present, and I think he will join with us in stating that his committee is not deprived of all its work. That committee has sufficient work to do, and he will not interfere with any step in the direction of economy in Government expenditure, even though the initiative does not come from his committee.

Mr. TILSON. The gentleman's colleague [Mr. MARES] is a very modest man and will not attempt to claim any additional jurisdiction for his committee; but I have no doubt that if the jurisdiction is left with him and his able committee, he will doubtless cause all proper matters to be considered.

Mr. SISSON. Will the gentleman yield?

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] has the floor. Does the gentleman from Massachusetts yield?

Mr. WALSH. I yield to the gentleman.



Mr. Sisson. I want to ask the gentleman from Connecticut [Mr. TILSON] if he does not think that when the time of the House and the time of the Senate is so much engrossed in other matters a little item like this, which has been carried heretofore, ought to be attended to in the appropriation bill and not in a separate bill introduced by a legislative committee? To illustrate, as has been stated on the floor, all the other bridges of this character are now under the control of the Commissioners of the District of Columbia. The money is already appropriated in this bill to care for it. The War Department does not want it.

In the early history of the Republic the War Department controlled the building of these bridges. This is nothing but a hold over from the old régime, and it ought to have been taken over a good many years ago; but, like the clock winder that we had and like the man who carried the snuffbox up to the Vice President's chair up to the time that Jim Sherman became Vice President, these little things hang on. The result is that they come to the attention of the Committee on Appropriations. The suggestion is made by the War Department, and the commissioners realize that they ought to have it, and we put it in the bill solely because it ought to have been in the bill many years ago.

There is another little item where money is now due to the District of Columbia for the use of a bridge. There is a law for the charge, but there is no law for the collection of the half cent per passenger for the use of the bridge. It is another small item that is not important in itself; but when you begin to multiply these bills and these little items it takes up time. We have been most careful to keep out of this bill all sorts of legislation. In fact, there are a good many things that I think ought to have gone into it which are not in it because the committee left them out.

Mr. TILSON. The gentleman understands that there has been a change in the rules?

Mr. Sisson. We understand that.

Mr. TILSON. There are Members who doubt the wisdom of that change and whether it will work well or not. There is one thing certain: If it develops that all legislative power is gradually gravitating to the Appropriations Committee it certainly will not be permitted to work by the membership of this House.

Mr. Sisson. The gentleman from Connecticut is a good legislator, and I know that he does not want to make any capricious objections.

Mr. TILSON. I do not; but this is a question of the rules with me.

Mr. Sisson. I understand; but that means legislation of a substantive character. Now, there are so many of these little items that may come up that will never be remedied in the world if we wait for legislation. We are cutting out the legislation from all of the bills that I have anything to do with, so that they contain less legislation than they ever have before. I believe that the infinitesimal amount of legislation on this bill is negligible.

Mr. DAVIS of Minnesota. We are cutting legislation out.

Mr. Sisson. Yes; we are cutting it out, but when there has been any legislation of any magnitude the committee has conferred in the past with Mr. JOHNSON of Kentucky, the chairman of the committee, and now with the gentleman from Michigan, the present chairman, as well, and if there was the least objection to it we have left it out of the bill. Little items like this mean that these little evils will go on—

Mr. TILSON. Does not the gentleman think that it means that the other committees, like the one that the gentleman from Michigan [Mr. MARES] presides over so ably, will take up these matters and work them out? We should educate the people so that when they want anything in the way of legislation they will go to the proper committee and not to the Committee on Appropriations.

Mr. Sisson. You do not have to teach us anything, because we are already doing that, but when these little matters come up, if the House desires that they shall continue to remain as they are, it can so determine. But these little items mean a great deal in the expense of the Government, where by a slight amendment of that kind you can correct the situation and have an orderly administration.

Mr. DAVIS of Minnesota. If you do not do it, this law will remain on the statute books until the gentleman and I are dead.

Mr. WALSH. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Section 12 of the act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore & Potomac Railroad Co. in the city of Washington, D. C., and requiring said com-

pany to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, is amended by adding thereto the following:

"And such tax shall be a lien, until paid, upon all the property of such street railway company and may be enforced in the name of the District of Columbia by a bill in equity brought by the Commissioners of said District in the supreme court of said District against such street railway company; and in addition thereto the District of Columbia shall have all common-law remedies for the collection of such tax and shall be entitled to those provided in paragraph 12, section 6, of the act entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' approved July 1, 1902."

Mr. WALSH. Mr. Chairman, I make a point of order on the paragraph.

Mr. DAVIS of Minnesota. Mr. Chairman, I wish to make a short statement. The present law authorizes the tax of one-half a cent for each passenger hauled across the bridge on the railway. For the last two years that tax has not been paid, and I do not know of any accounting that has been made to the Commissioners of the District. I am informed that there is a balance of about \$60,000 due the District of Columbia now for this unpaid tax, and there is no way under the present law, as I understand, of enforcing collection. So this was put on simply for the purpose of expediting the collection of this tax through the court. If the gentleman insists on his point of order, this will go on for three or four years before the District can get at it. We put this in simply to aid the District in enforcing the lien upon the \$60,000. I assume that it is subject to a point of order.

Mr. BUCHANAN. If the gentleman will yield, I want to say that recently they not only have refused to pay the tax of one-half a cent for each passenger carried across the Government bridge on the street railway, but they have refused to make an accounting of the number of passengers for which they are liable. It is important that this law be passed by some committee as soon as possible, so that the Government can collect this tax.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

For the purchase or condemnation of a piece of ground to take the place of the present site of Park View playground, \$32,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order. Where is this proposed site and what has become of the present Park View site?

Mr. DAVIS of Minnesota. I will read the hearings on that matter as it is very short.

Mr. DAVIS. The next item is:

"For the purchase or condemnation of a piece of ground to take the place of the present site of Park View playground, \$32,000."

Miss BOARDMAN. The Park View playground is a piece of ground in lot 1. The area is 64,000 square feet. It is directly across from the Otis School, and north of the Park View School. It is the only vacant piece of ground near the school, and the school itself has no playground. The board of education and the superintendent of public schools have gone on record as favoring the purchase of this ground for a playground.

Mr. BUCHANAN. For the school, or for the playgrounds?

Miss BOARDMAN. It is used for the schools, the Park View School particularly.

Mr. Sisson. It is several squares from the school, is it not?

Col. KUTZ. Immediately across the street, and just north of the school. It is now used as a playground, and is covered with playground apparatus.

Miss BOARDMAN. It is directly across Otis Street and north of the Park View School.

Mr. Sisson. Is there a street in front of the Park View playground, or is it a vacant lot?

Miss BOARDMAN. There is a street.

Mr. WALSH. That gives no intimation as to what has become of the Park View playgrounds.

Mr. DAVIS of Minnesota. There never was a Park View playground that amounted to anything. They need this as additional playground to take its place. The trouble with many of the school buildings is that they were built without any playground, but now they are short of playgrounds and we have tried the best we could to help them.

Mr. WALSH. I can not understand from the hearings and the language in the bill what they are trying to do.

Mr. CRAMTON. They are now using vacant land under a temporary lease, and they may lose the use of that land at any time. It happens that the site they have in mind to buy is the land that they are now using and some additional land adjacent to it; but it would not be desirable to put it in the bill requiring them to buy that one particular piece of land, and so we simply authorize them to buy a piece of land to use for a playground in place of what they are now using. They anticipate that they will acquire the land that they are now using.

Mr. WALSH. Does the gentleman think they could secure the land they are now using under the language of this bill?

Mr. CRAMTON. There is no question about it.

Mr. WALSH. I do not think they could; however, if they take other land, they may be able to do so.

Mr. CRAMTON. The gentleman would not want to limit them to that one particular piece of property and place them at the mercy of the owner?

Mr. WALSH. They are going to condemn it, are they not?

Mr. DAVIS of Minnesota. If it is necessary, they will condemn it.

Mr. WALSH. Then, if they condemn it, they would not be at the mercy of the owner.

Mr. CRAMTON. They do not always proceed through condemnation, and, of course, prefer not to.

Mr. WALSH. Mr. Chairman, I withdraw the reservation.

The Clerk read as follows:

For the purchase or condemnation of a piece of ground to take the place of Logan playground, \$17,000.

Mr. WALSH. Mr. Chairman, I make the reservation of the point of order for the purpose of asking if this is a similar case?

Mr. DAVIS of Minnesota. It is.

Mr. WALSH. As I understand from the hearings, they are using the site and they wish to make a purchase.

Mr. DAVIS of Minnesota. Yes; the same thing.

Mr. WALSH. I withdraw the reservation.

Mr. DAVIS of Minnesota. I will state to the gentleman that the object of putting the condemnation proposition in is in order to assist in making a better purchase price. If the parties know they can and will condemn, if they can not make a favorable bargain with them, it serves to influence the purchase price. That is one reason we put it in.

The Clerk read as follows:

For placing wires of fire alarm, telegraph, police patrol, and telephone service underground in existing conduits, including costs of cables, terminal boxes, and posts, connections to and between existing conduits, manholes handholes, posts for fire-alarm and police boxes, extra labor, and other necessary items, \$5,000.

The CHAIRMAN. Without objection, a comma will be inserted after the word "manholes," page 32, line 11.

There was no objection.

The Clerk read as follows:

Americanization work: For Americanization work and instruction of foreigners of all ages in both day and night classes, including a principal, who, for 10 months, shall give his full time to this work, at \$1,800 per annum, and teachers and janitors of Americanization schools may also be teachers and janitors of the day school, \$12,000.

Mr. WALSH. Mr. Chairman, I reserve the point of order. What is the authorization for this particular class of work, and what is the committee's definition of "Americanization"?

Mr. DAVIS of Minnesota. It is a course of instruction prescribed by the school board. They have it absolutely under their control, and they have prescribed the entire course. They educate foreigners to try to make them Americans. For instance, one thing is to teach them how to answer questions put to them when they become naturalized. The point I make is that they have been given \$12,000 when they should have been given \$30,000.

Mr. WALSH. What is the authority for it? Is it community work?

Mr. DAVIS of Minnesota. This is not the community-center work.

Mr. WALSH. I suppose it is a part of the night school system?

Mr. DAVIS of Minnesota. This is the same authority that the school board have for everything that they do.

Mr. WALSH. I withdraw the point of order.

The Clerk read as follows:

For payment of necessary expenses connected with the organization and conducting of community forums and civic centers in school buildings, including equipment, fixtures, and supplies for lighting and equipping the buildings, payment of janitor service, secretaries, teachers, organizers, and clerks, and employees of the day schools may also be employees of the community forums and civic centers, including maintenance of automobile, \$35,000: *Provided*, That not more than 60 per cent of this sum shall be expended for payment of secretaries, teachers, organizers, and clerks.

Mr. WALSH. Mr. Chairman, I reserve the point of order on the paragraph. What authorization is there for the expenditure of money for community forums and civic centers in school buildings?

Mr. DAVIS of Minnesota. Of course, the gentleman understands that this matter is all controlled by the board of education.

Mr. WALSH. I do.

Mr. DAVIS of Minnesota. I will read the law. Chapter 165 is an act to regulate the use of public-school buildings and grounds in the District of Columbia. It provides:

*Be it enacted, etc.*, That the control of the public schools of the District of Columbia by the board of education shall extend to include and comprise the use of public-school buildings and grounds for the pupils

of public schools, other children and adults, for supplementary educational purposes, civic meetings, for the free discussion of public questions, social centers, centers of recreation, and playgrounds. The privilege of using said buildings and grounds for any of said purposes may be granted by the board upon such terms and conditions and under such rules and regulations as the board may prescribe. The board of education is authorized to accept on written recommendation of the superintendent of the schools free and voluntary service of teachers of the public schools and other educators, lecturers, and social workers, officers of the United States and the District of Columbia: *Provided*, That teachers of the public schools shall not be required or compelled to perform any such service or solicited to make any contribution for such purpose: *Provided further*, The public-school buildings and grounds of the District of Columbia shall not be used for any purpose whatsoever other than those directly connected with the public school system.

Mr. WALSH. Mr. Chairman, I do not hear anything in there about community forums or civic centers.

Mr. DAVIS of Minnesota. Those phrases perhaps may not be used, but it seems to me that this act covers them. It comprises the use of the public-school buildings and grounds by the pupils of the public schools and other children and adults for supplementary educational purposes, civic meetings for the free discussion of public questions, social centers, purposes of recreation, and playgrounds. That is a good definition of the community-service work. I am willing to stand on that as being the work they do. I think it is duly authorized by law.

Mr. WALSH. Mr. Chairman, I think the language of the act clearly indicates that there is no authorization whatever for it. The act specifically provides that the board of education is authorized to accept free and voluntary service of school-teachers. The item in the bill carries an appropriation for necessary expenses, including the payment for janitor service, secretaries, teachers, and so forth. This act the gentleman from Minnesota has cited is for the occasional use of school buildings for purposes outside of the ordinary school instruction, such as discussion of a public question and using the playgrounds for recreation centers. That is all very well, but it is quite different from the proposition of making appropriations out of the Federal Treasury to pay teachers for work in connection with "conducting community forums and civic centers in school buildings." There is no authorization there to pay teachers for work done in this fashion. These community forums and civic centers are in a sense a fad with certain would-be reformers. We have them in every city in the United States, and if we were to adopt all their recommendations the Federal Treasury and the State treasuries would soon be depleted. It seems to me clear under the act to which the gentleman has referred, which was approved the 4th of March, 1915, that there is no warrant for carrying in the District bill an item such as this, which would apparently initiate and put upon a permanent basis a system of community forums and civic centers in school buildings, paying teachers for work there and calling for an appropriation of \$35,000.

The CHAIRMAN. Will the gentleman from Minnesota please refer to the page of the statute that he quoted?

Mr. WALSH. Page 1190, volume 38, part 1, chapter 165, third session of the Sixty-third Congress.

Mr. Sisson. I suggest to the chairman that he send that to the Chairman of the Committee of the Whole.

Mr. DAVIS of Minnesota. I would simply read this language, "Civic meetings for the free discussion of public questions," which they do. "Social centers," which they do.

Mr. WALSH. What do they do?

Mr. DAVIS of Minnesota. Social centers? Why, what is usually a social center? They entertain those who are there in these large assembly rooms, both the young and the old. That is a social center. "Schools of recreation and playgrounds." I believe this community-service work is universal, as the gentleman says, all over the United States. I will admit it has increased in this instance, and I understand they have entertained, educated, and discussed matters to over 50,000 people in this city of that nature in the last year. That is my information. I send this statute to the Chair.

The CHAIRMAN. The Chair has it now.

Mr. DAVIS of Minnesota. I believe I am correct in saying that over 50,000 people, young and old, have been entertained and educated as best they can in this way.

Mr. WALSH. How do they use an automobile in connection with the work?

Mr. DAVIS of Minnesota. Well, this is simply one automobile used in going from one to the other of these meetings. There are 10, 15, or 20 of these civic centers at school houses on different evenings and different afternoons. They have at least a dozen of these meetings going, some in the afternoon and some in the evening, and the automobile is to convey, for instance, the official secretary around to see that the meeting is properly conducted in a proper, orderly manner for the best interests of those entertained. It is only one small automobile—a Ford at



that. It is a flivver; I do not know whether you call it an automobile or not.

Mr. WALSH. I do not know what a flivver is.

Mr. DAVIS of Minnesota. It is something made in Michigan—

Mr. Sisson. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. Sisson. I am asking for recognition.

The CHAIRMAN. The gentleman from Massachusetts still has the floor.

Mr. WALSH. I have no objection to the gentleman discussing the point of order; I reserved it.

Mr. Sisson. Mr. Chairman, the act which the chairman of the committee sends to the desk is the act under which in 1915 this item first went into the bill, and it has been carried in the bill under that authorization from the passage of that act down to this time. The Chair will note that this whole work is under the control of the board of education, and the act provides for the use of public-school buildings for this purpose, and under that authority from that date to this, as has been stated by the chairman of the committee, this activity has been conducted.

The CHAIRMAN. Will the gentleman allow the Chair to ask a question?

Mr. Sisson. Certainly.

The CHAIRMAN. From a casual reading of this law passed in 1915 it would appear that the authorization to use these buildings was granted, but the Chair does not find anything in the law which relates to the expense to be borne by the Federal Government.

Mr. Sisson. Does not the Chair think it would be an *et sequitur* that if there is a certain activity it must necessarily follow that the authority to carry the activity into force has been carried with the act? Now, if the Chair will go and look at the Army activities he will find it carried any number in the same language. I happened to have occasion to look into that during the consideration of the Army bill which is now in progress, and the authority for an activity of the Government is *et sequitur* in that you must have an appropriation to carry the activity into effect. Then the other question suggested is this: This is under the control of the board of education, and they select these officials, and it is essential in order that the school property should be used for the purposes indicated by the board of education that some one must be there for the purpose of conducting the activity in accordance with the direction of the board of education and in accordance with that law for the preservation of the school property and the use of it for that purpose. While the activity is conducted by the community itself, and, as suggested by the gentleman from Massachusetts, the various cities throughout the United States carry these activities on their tax roll, it is nothing more or less than an activity under the direction of the schools, and in order that the school property might be used for that purpose the school board appointed these people for the purpose of directing and controlling the activities under their direction for which the school buildings are authorized to be used.

The CHAIRMAN. Does the gentleman from Mississippi desire further to discuss the point of order?

Mr. Sisson. I have discussed it all I care to, and I think there is sufficient authorization under this statute for doing just exactly what they do in these community centers.

The CHAIRMAN. Do I understand the gentleman from Massachusetts reserved the point of order or made it?

Mr. WALSH. I make the point of order.

The CHAIRMAN. Does the gentleman from Massachusetts desire to discuss the point of order any further?

Mr. WALSH. No; Mr. Chairman, except to show, if the Chair will permit me, what they have done and to what limits they have gone in this work as shown by the hearings. In some activities they have had candy pulls, masquerades, parties, picnics, birthday parties, minstrel shows, card parties, motion pictures, recitals, lecture on "Children I have known." Those organizations, many of them of course—

Mr. DAVIS of Minnesota. Has the gentleman read all, or only picked out a few?

Mr. WALSH. I will put them all in the Record if the gentleman desires, or I will read it all if it is desired.

Mr. DAVIS of Minnesota. They had much more than the gentleman has recited there.

Mr. WALSH. Well, now we will take one. The community's secretary reports, "Connecticut Avenue and McKinley Street—Lecture on current events, wild flower lectures, stereopticon lectures, community buying, distribution and sale of war food, assisting teachers on opening of schools, community sings, Red Cross card parties, entertainments, reception on opening of new

school building, Woodland recital, Red Cross meeting, lectures on Russia, Washington, Children I have known; Arts Club plays, Chautauqua course, motion pictures, Boy Scout band. Those are the activities—

Mr. DAVIS of Minnesota. They are pretty good, are they not?

Mr. WALSH (continuing). That are conducted under the Girl Scouts and Boy Scouts, and boys' and girls' dancing class, and the Civic Center Association, and Parent's Teachers Association. Yes; it is pretty good. But it is being paid for out of the Federal Treasury. It is about time we began curtailing some of these activities. There is no more reason why we should pay for a lecture to those people who attend that community center than there is why we should pay for it in the gentleman's district or why we should pay for it in any other State of the Union. There is no more reason why the people of this particular center should have a lecture on the children that the lecturer has known than they should have a lecture up in the gentleman's district at the Government expense, upon the children they have known up there.

Mr. DAVIS of Minnesota. I will say that my home State is paying a part of this.

Mr. WALSH. Oh, yes; but it is a very small part that the great State of Minnesota pays for this.

Mr. DAVIS of Minnesota. It pays as much as Massachusetts does.

Mr. WALSH. I doubt it. I think, however, the statute clearly does not authorize any such programs as have been outlined in this report. While it authorizes the use of the buildings for this purpose, it clearly does not authorize the expenditure of the setting up of an organization to carry out the work.

Mr. MANN of Illinois. Mr. Chairman, I suppose there are frequently lectures in the public schools in the District of Columbia and elsewhere. If there are not, there ought to be. Certainly no one would contend that a teacher who presided over a room where a lecture was had was violating the law by drawing her salary for the day that she attended. Why is not this a part of the school work and treated as such? The authority of law was given for the use of these school buildings for community centers. The work that is being carried on is as much school work as any other work that is being carried on by the schools. It may not be the learning of A, or B, or C in the primary grade, but it is much more educational in many respects than the study of algebra or geometry is. No one will contend that they are not a necessary part of instruction in many cases. It seems to me this is a part of the school work for which an appropriation should be made as is made for other school work.

Mr. WALSH. Will the gentleman yield?

Mr. MANN of Illinois. Certainly.

Mr. WALSH. Does the gentleman think that instruction in dancing is a part of school work?

Mr. MANN of Illinois. Just as much as instruction in playing baseball or football, and the gentleman will not contend that the students who play football for the different high schools here in the District and elsewhere in the country are violating the law because they use the schoolrooms?

Mr. WALSH. Does the gentleman think that instruction in card playing or card parties is a part of school work?

Mr. MANN of Illinois. Just as much as they are a part of the duty of a Member of Congress.

Mr. WALSH. The gentleman evades the question.

Mr. MANN of Illinois. Oh, no; I do not.

Mr. WALSH. Oh, yes.

Mr. MANN of Illinois. Not at all. It is a very direct answer.

Mr. WALSH. It is an evasive answer.

Mr. MANN of Illinois. I do not need such instruction. I never had any education in that way, and I do not play cards. Probably I would be better off if I did, or probably worse off than some Members that I know.

Mr. MILLER. Will the gentleman yield?

Mr. MANN of Illinois. I will.

Mr. MILLER. Several of the brethren here are inquiring where that school is which furnishes instruction in cards.

The CHAIRMAN. The Chair will rule. The Chair has no desire to be captious in his ruling or too narrow in his interpretation of the law. He realizes the importance of activities of this kind, as suggested by the gentleman from Illinois [Mr. MANN]. It is probably a proper and very desirable part of our educational system to have the activities as provided for in this paragraph. The Chair is troubled, however, from the parliamentary standpoint, in endeavoring to find the authorization in existing law for the expenditure of money for this purpose. In



this paragraph it states that the payment for expenses shall include "equipment, fixtures, supplies for lighting and equipping" the buildings. In looking at the law the Chair fails to find any authorization for the expenditure of money for those purposes. The Chair can find no authority other than for the use of the buildings, not for the expenditure of money in their upkeep and maintenance. It has been suggested that the matter of maintenance should be implied in the law. The Chair does not feel justified in going that far, and while the Chair feels that these activities are very essential and very proper, he feels compelled to sustain the point of order. The Clerk will read.

The Clerk read as follows:

Major and superintendent, \$4,500; 2 assistant superintendents, at \$3,000 each; 3 inspectors, at \$2,400 each; 12 captains, at \$2,400 each; chief clerk, who shall also be property clerk, \$2,400; clerk (who shall be a stenographer), \$1,800; 2 clerks (who shall be stenographers), at \$1,500 each; clerks—1 (who shall be assistant property clerk) \$1,200, 1 \$1,200, 3 at \$1,000 each, 1 \$700; 4 surgeons of the police and fire departments, at \$1,600 each; additional compensation for 35 privates detailed for special service in the detection and prevention of crime, \$16,800, or so much thereof as may be necessary; additional compensation for 14 privates detailed for special service in the various precincts for the prevention and detection of crime, at the rate of \$120 per annum, \$1,680, or so much thereof as may be necessary; additional compensation for 1 inspector or captain and 1 lieutenant detailed for special service in the detection and prevention of crime, at \$400 each; 21 lieutenants, one of whom shall be harbor master, at \$2,000 each; 56 sergeants, one of whom may be detailed for duty in the harbor patrol, at \$1,800 each; privates—501 of class 3 at \$1,600 each, 214 of class 2 at \$1,560 each; 89 of class 1 at \$1,460 each; amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1922, \$16,031.99; 9 telephone clerks, at \$900 each; 18 janitors, at \$600 each; laborer, \$720; messenger, \$600; inspector, mounted on horse, \$540; 38 captains, lieutenants, sergeants, and privates, mounted on horses, at \$540 each; motor vehicle allowance to 20 sergeants and privates, at \$480 each; 64 lieutenants, sergeants, and privates, mounted on bicycles, at \$70 each; driver-privates—31 of class 2 at \$1,560 each, 5 of class 1 at \$1,460 each; amount required to pay salaries of driver-privates who will be promoted to class 2 during the fiscal year 1922, \$1,200; 6 police matrons, at \$720 each; in all, \$1,656,291.99.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

I do so, Mr. Chairman, for the purpose of asking a question. The policemen and the firemen of the District of Columbia are the only Government employees who do not have one day off each week. Of course, it would be impossible to lay all of them off on Sunday, but with regard to all other employees, where it is necessary for one to work on Sunday, they are given at least one week day off in seven. I understand the policemen and firemen are not granted the usual vacation leave of 30 days like most of the other employees of the Government are granted. In other words, they have no vacation, no leave. And I wanted to ask the chairman if some such provision could not have been made in this bill? I know the answer is that it is legislation, but the chairman can not answer me that way when he has had three pieces of proposed legislation knocked out of the bill on points of order. If the committee can put in three pieces of legislation which are objectionable here, could not the committee have put in one piece of legislation which, I take it, would not be objectionable to any Member of the Congress? Certainly the Members of Congress would be willing for the policemen and the firemen, who perform arduous duties and service, to have one day off each week.

Would the committee object to an amendment carrying that provision into this bill or would a point of order be made against it? If not, I would like to offer an amendment that would cover it.

Mr. DAVIS of Minnesota. I will state to the gentleman that if that amendment that he suggested were put in the bill it would require an additional force to the fire department and the police department, an increase of one-seventh in number and expense. Furthermore the matter of the police and firemen was thoroughly canvassed at the last session of Congress, and legislation was had upon it, and their salaries were very materially raised, more so than those of any of the other employees of the District of Columbia other than those in the schools. That was all done, and then this matter that you speak of now was thrashed out, as I understand, before the legislative committee and denied. We could not put that in unless we raised the number of policemen and firemen one-seventh, so that I think that is a matter of legislation of so much importance that this committee would not be justified in attempting to put it in.

The other matters that were put on were matters of saving to the District of Columbia. For instance, this matter of collecting \$60,000 from the street railway company in connection with the bridge down here was to obtain from \$60,000 to \$100,000. That was the object of putting it in. Here you would add an expense of two or three hundred thousand dollars, and the committee did not think it advisable to attempt that thing.

Mr. BLANTON. When it comes to doing the right thing by an individual, the fact that it costs money is not, in my judgment, a valid excuse for not doing it. These men are entitled to one day off a week; I think they are clearly entitled to it. There is not a day or night when some members of the police force and of the fire department of the District do not risk their lives in the interest of the service. They should have a day off. Yet simply because it requires an additional force it is denied. I am in favor of economy, but I say let us pay the extra one-seventh.

Mr. DAVIS of Minnesota. At the last session of Congress we gave them two platoons in the fire department, cutting down the hours, and so forth. That has all been taken care of.

Mr. BLANTON. Yet every fireman and policeman on those forces works eight hours a day, seven days in the week, every month in the year, and I do not think that is any answer or excuse. I hope that the legislative committee will see to it that before this short session of Congress ends justice and right shall be done to the police and the firemen's force in this District. I am for economy, as I said, but I am in favor of this proposition to do justice to the policemen and firemen of the District of Columbia.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For one aerial hook and ladder truck, motor driven, \$14,500.

Mr. WALSH. Mr. Chairman, I reserve a point of order on lines 22 and 23.

The CHAIRMAN. Will the gentleman wait until we have finished reading one more item?

Mr. WALSH. No. I reserved a point of order on line 22 of page 58.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

Mr. WALSH. I would like to ask a question in reference to that item and the next two, whether these are new pieces of apparatus that are desired or are they to replace something else? Is that a new departure?

Mr. DAVIS of Minnesota. I would state that in line 22, "for one aerial hook and ladder truck, motor driven," that is for the purpose of replacing a horse-drawn truck, and such is the case with the item on line 24. That is for the same purpose, to replace a horse-drawn vehicle by a motor-driven vehicle. It is held that it will give better service and be more economical.

Mr. WALSH. Is that the gentleman's position and the position of the committee?

Mr. DAVIS of Minnesota. Yes. The authority to do so has not been questioned before.

Mr. WALSH. The gentleman thinks if Congress gives them the authority to buy a horse-drawn vehicle they can go out and buy a motor-driven vehicle?

Mr. DAVIS of Minnesota. Yes. I have not heard it questioned before. We have done it, and have done it in all branches of the Government. About 60 per cent of all the vehicle activities of the Government are now motor-drawn, about 40 per cent are horse-drawn. We are trying to do away with horse-drawn motive power as fast as possible.

Mr. WALSH. In what government?

Mr. DAVIS of Minnesota. The government of the District, the fire department. About 60 per cent of the vehicles are now motor drawn.

Mr. WALSH. Mr. Chairman, I withdraw the reservation.

The CHAIRMAN. The reservation of the point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire or storm, and of like character, and in all cases of emergency not otherwise sufficiently provided for, in the discretion of the commissioners, \$8,000: *Provided*, That in the purchase of all articles provided for in this act no more than the market price shall be paid for any such articles, and all bids for any such articles above the market price shall be rejected and new bids received or purchases made in open market, as may be most economical and advantageous to the District of Columbia.

Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.



Mr. MANN of Illinois. Mr. Chairman, may I ask how much of this emergency fund has been spent either for the last fiscal year or for the current fiscal year?

Mr. DAVIS of Minnesota. I believe they spent \$3,000 last year.

Mr. MANN of Illinois. Is that for a real emergency, or are they building up some service under this which requires a permanent expenditure of the money every year?

Mr. DAVIS of Minnesota. Here was the cost of roping Pennsylvania Avenue for the Czecho-Slovak parade, July 18, 1919, \$125; Washington Asylum and Jail, plumbing at hospital, \$1,000; health department, repairs to pound motor wagon, \$300; salaries for temporary laborers in pound, \$320; purchase of formaldehyde, \$700; removal of brick wall at sand wharf and cleaning and filling of site, \$650; total, \$3,095.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Pay of bailiffs: For not exceeding one crier in each court, of office deputy marshals who act as bailiffs or criers, and for expenses of meals and lodging for jurors in United States cases and of bailiffs in attendance upon same when ordered by the court, and per diems of jury commissioners, \$28,000; *Provided*, That the compensation of each jury commissioner for the fiscal year 1922 shall not exceed \$250.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. What have the jury commissioners been receiving heretofore?

Mr. DAVIS of Minnesota. Each one of them receives \$600. This is a limitation that they shall not receive more than \$250.

Mr. WALSH. I notice that the appropriation has been increased by some \$800, and you put a limitation upon the pay of the jury commissioners. What is the necessity for the increase?

Mr. DAVIS of Minnesota. The jury commissioners were not paid at all prior to April, 1920. Then they were raised to \$1,800. Now we have cut them down to not exceed \$250.

Mr. WALSH. Three jury commissioners?

Mr. DAVIS of Minnesota. Yes. They used to sit five days, at \$10 a week. We thought it was excessive. We thought it should not exceed \$250 apiece.

Mr. WALSH. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HUSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, Chief Clerk of the Senate, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1302. An act for the relief of John H. Rheinlander;

S. 3031. An act to appropriate \$1,189.35 for the relief of the Southern Iron & Metal Co., Jacksonville, Fla., for salvage material consisting of submarine cable purchased from the War Department;

S. 4526. An act to amend section 501 of the transportation act, 1920;

S. 4572. An act granting to the city and county of Honolulu, Territory of Hawaii, a right of way over and across the Fort De Russy Military Reservation, for the purpose of extending its sewer system; and

S. J. Res. 172. A joint resolution authorizing and directing the Secretary of War to sell a certain parcel of land known as Fort Jackson, at New Deptford, on the Savannah River, Ga.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12887. An act establishing the liability of hotel proprietors and innkeepers in the District of Columbia; and

H. R. 7900. An act for the relief of Rudolph L. Desdunes.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7930. An act to provide for the treatment in hospital of diseased alien seamen.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

National Training School for Girls: Superintendent, \$1,200; matron, and 4 teachers, at \$600 each; overseer, \$720; 2 parole officers, at \$600 each; 7 teachers of industries, at \$480 each; engineer, \$720; assistant engineer, \$600; night watchman, \$480; 2 laborers, at \$300 each; in all, \$11,880.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee a question in connection with this school. Are the girls who are inmates of it, all of them, residents of the District of Columbia?

Mr. DAVIS of Minnesota. Not all of them. Some of them are committed by Federal courts.

Mr. NEWTON of Minnesota. That is, some of them are juveniles committed by Federal courts outside of the District?

Mr. DAVIS of Minnesota. Yes.

Mr. NEWTON of Minnesota. Can the gentleman inform me just what proportion are from outside?

Mr. DAVIS of Minnesota. I can not. Most of them are from the District—a very few from outside.

Mr. NEWTON of Minnesota. About how many inmates are there in the institution at present?

Mr. DAVIS of Minnesota. The clerk of the Committee on Appropriations informs me that the average daily attendance is about 160.

Mr. NEWTON of Minnesota. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Gallinger Municipal Hospital: For continuing construction of the Gallinger Municipal Hospital, \$500,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Has the contract been entered into for the construction of this hospital?

Mr. DAVIS of Minnesota. It has. They are now constructing the psychopathic ward and have contracts for building the power house and everything connected with it. We have increased the limit of cost. Originally it was \$500,000, and then we increased it to \$1,000,000, and we have since made it \$1,500,000. This appropriation leaves \$400,000 yet to be appropriated.

Mr. WALSH. There will be \$400,000 still to be appropriated?

Mr. DAVIS of Minnesota. After this; and we have given them in this appropriation all they can actually use this year.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Hospital for the Insane: For support of indigent insane of the District of Columbia in St. Elizabeths Hospital, as provided by law, \$800,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I should like to ask about this item for the maintenance of St. Elizabeths Hospital for the Insane. There was a good deal of talk some time ago in the newspapers about their not having adequate guards out there. Does this appropriation carry enough to enable them to maintain an adequate number of guards to keep the inmates of the asylum within the grounds?

Mr. DAVIS of Minnesota. This appropriation is for the care, custody, and maintenance of District of Columbia patients. The other items for the hospital are carried in the sundry civil appropriation bill.

Mr. NEWTON of Minnesota. This does not have any relation at all to the employment of the guards?

Mr. DAVIS of Minnesota. This appropriation is governed by the law, so much per capita for so many patients. The other matters, in relation to guards, and so forth, are all taken care of in the sundry civil bill.

Mr. BRIGGS. And they have no relation to this item?

Mr. DAVIS of Minnesota. No.

The Clerk read as follows:

For maintenance, including superintendence, custody, clothing, guarding, care, and support of prisoners; rewards for fugitives; provisions, subsistence, medicine, and hospital instruments, furniture, and quarters for guards and other employees and inmates; purchase of tools and equipment; purchase and maintenance of farm implements, live stock, tools, equipment, and miscellaneous items; transportation; maintenance and operation of means of transportation, and means of transportation; supplies and labor; and all other necessary items, \$95,000.

Mr. BLANTON. I move to strike out the last word, for the purpose of making an inquiry about this appropriation of \$95,000. Does not the chairman of the committee think that the amount to be expended for each purpose enumerated in this paragraph ought to be specified? Ought we not to specify how much shall be spent in one way and how much in another? Here are a number of items, and at the bottom of the paragraph there is a blanket appropriation of \$95,000.

Mr. DAVIS of Minnesota. It is pretty hard to designate the items, because of the uncertainty as to the number of prisoners. The amount is gauged by the number of prisoners. The amounts are itemized in the estimates.

Mr. BLANTON. That is not the point.

Mr. DAVIS of Minnesota. I will give the gentleman the items.

Mr. BLANTON. My point is this: I understand that probably there are enough items in here upon which this sum could be expended, but would it not be better to specify that so much shall be spent upon such an item and so much upon another, because under this blanket appropriation they could, if they saw fit, expend the whole \$95,000 upon any one of the various items enumerated?

Mr. DAVIS of Minnesota. No; the items are specified in the estimates, and they have got to conform to those.

Mr. BLANTON. Have they got to conform to the estimates, or to the authorization?

Mr. DAVIS of Minnesota. To the authorization, which is based upon the estimates. They must comply with it. That is all there is to it. Let me read these items:

Food, \$40,000.  
Clothing, \$12,500.  
Furniture, \$800.  
Medical supplies, \$1,000.  
Laundry supplies, \$800.  
Stables, farm, and garden, \$24,000.  
Transportation, \$2,900.  
Miscellaneous, \$12,000.

The one item in there that is not particularly designated is the miscellaneous item of \$12,000, and the expenditure under that item, as I say, will depend largely upon the number of inmates and patients they have.

Mr. BLANTON. I do not intend to be captious about the matter or to waste time unnecessarily, but I am seriously asking the chairman if he does not believe that it would have been preferable to have incorporated the various items contained in the estimates in this paragraph of appropriations.

Mr. DAVIS of Minnesota. If we did that, this bill instead of containing 100 pages would contain 500 pages.

Mr. BLANTON. As to the question of pages, the chairman admits that this bill appropriates \$19,878,012.99; that the last appropriation bill appropriated \$18,373,004.87, which is \$1,505,008.12 less than the present bill, and for the fiscal year 1917, which was the war year, the total appropriation was \$12,842,216.10. In other words, the present bill is the largest District appropriation bill ever appropriated in the history of Congress, because it is \$7,035,796.89 more than the bill during the war Congress of 1917. In such a big bill as this why quibble about having a few more pages in it in order to be explicit and show these fellows how they should and can expend the money and to what extent.

This is quite a little item, and we ought to cut out appropriations in blanket form and specify exactly how we want the money spent. Then we are going to stop waste, then we are going to stop extravagance, then we are going to stop officials crowding over and running over the express will of Congress.

Mr. DAVIS of Minnesota. I want to say that the increase in the amount of this bill is due largely to the increase in the amount for school building of a million and a half and a half million for the Garfield Hospital. That accounts for \$2,000,000 of the increase. Then we have added to the amount for streets. I showed in my remarks on the bill where three or four millions of the increase went, and it was not in little specific items of detail. It would be impossible to detail all the items as the gentleman mentioned.

Mr. BLANTON. The chairman fails to catch the point. My point is that we ought to stop blanket appropriations. If it is necessary to appropriate, do so, but be sure that we are going to have the money spent just as Congress expects it to be expended.

Mr. DAVIS of Minnesota. I feel pretty sure that it will be. Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last two words. I do that to call attention to the ordinary method of accounting in items of this sort. The Book of Estimates in the hands of the accounting clerk will rest side by side with the total appropriations, and it is the duty of the auditing officer to hold such items within the amount specified in the estimates. The Book of Estimates becomes an itemized statement under the appropriation and will be just as effective in the line of proper auditing as if you put the whole matter in the body of the bill.

Mr. BLANTON. Suppose you have one item of \$95,000 and another item of \$100,000 in the estimates, and we will suppose that the committee cuts the estimates by putting a paragraph in the appropriation bill giving \$95,000 under that head. I want to ask the gentleman if under the authority given by Congress that bureau if it saw fit could not use the \$95,000 that was appropriated for one specific item in the estimates and let the other \$100,000 item go?

Mr. ANDREWS of Nebraska. The Book of Estimates will designate the items or things contained in the \$95,000, and those

contained in the \$100,000 total when properly made up. I take it for granted that it is in proper form in this instance. Whenever there is any modification in that particular there should be a specific elimination of one item and the addition of others. If this should not appear, however, then the average can be struck in the process of auditing and the distribution can be made on that basis.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Sec. 7. That on and after July 1, 1921, all fees, fines, and other miscellaneous items of revenue theretofore required by law to be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts shall be paid for each fiscal year into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as appropriations for the expenses of the government of the District of Columbia for such fiscal year are paid from the Treasury of the United States and the revenues of the District of Columbia; and all collections on account of special assessments for public improvements for which assessments are levied according to the law shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as that used in paying for the work for which the assessment was levied.

Mr. DAVIS of Minnesota. Mr. Chairman, I desire to offer the following amendment to the section.

The Clerk read as follows:

Committee amendment: On page 95, strike out the remainder of the section after the word "as," in line 1, and insert in lieu thereof the following: "The appropriations used in paying for such assessment are charged, respectively, against the revenues of the District of Columbia and the Treasury of the United States."

Mr. DAVIS of Minnesota. Mr. Chairman, the auditor of the District of Columbia suggested the amendment in order to make the language more definite, plain, and clear. I can not imagine that there will be any objection to it. The language stricken out left it a little indefinite. This simply clarifies the language. I do not think it is subject to a point of order, and I think it is very essential that it should be put in.

Mr. WINGO. Will the gentleman explain what the change is?

Mr. DAVIS of Minnesota. The change is in order to make it conform to the change of law on the 60-40 proposition. The language in the bill hardly applies, and this makes it plain that it is only a 60-40 proposition.

Mr. WINGO. In other words, this is to make it definite and certain that the expenditures shall be on the 60-40 basis?

Mr. DAVIS of Minnesota. Yes; and the amount to go into the Treasury shall be in the same proportion.

Mr. WINGO. Oh, the receipts back into the Treasury shall be in the same proportion?

Mr. DAVIS of Minnesota. Yes. It is more definite, and the auditor suggested it himself.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. MANN of Illinois. How is this money being paid back now?

Mr. DAVIS of Minnesota. On matters that were appropriated for on the 50-50 basis they go back on the 50-50 basis, and under the 60-40 basis they go back under the 60-40 basis.

Mr. MANN of Illinois. This says on and after July 1, 1921.

Mr. DAVIS of Minnesota. Yes; in the appropriation law we are now acting under.

Mr. MANN of Illinois. I understand that, but it does not take in current appropriations.

Mr. DAVIS of Minnesota. No.

Mr. MANN of Illinois. I asked how they go back in.

Mr. CRAMTON. Mr. Chairman, if the gentleman will permit, in the current appropriation law in some places provision was made that these receipts should go back in on the 60-40 basis. In some cases that provision was not made, and in that case they go back under the 50-50 basis, although the District may have provided 60.

Mr. MANN of Illinois. A few years ago I called the attention of the House to a very anomalous situation which then existed, and which has since been corrected, where we made appropriations to carry on certain functions of the District government, half of which were paid out of the National Treasury. They received various reimbursements, all of which went into the District treasury. That has been corrected. But now as to the current business of which 60 per cent comes out of the District treasury and 40 out of the Federal Treasury, it will go back in, I suppose, on the 50-50 basis, because this provision is not applicable to the current law. I am not caring which is done, but I could not see why they should not take effect after the passage of this bill.

Mr. CRAMTON. Some of those were taken care of in the current law. I can not state just which ones they are now, but they were not all provided for.



Mr. MANN of Illinois. I think not any of them were taken care of in the current appropriation law, because I have no notation to that effect, and I have compared the current law with the present bill.

Mr. CRAMTON. I shall take pleasure in calling the attention of the gentleman to one or two cases that were provided for in the current law.

Mr. MANN of Illinois. I shall take pleasure if the gentleman will show me anything in the current law on that subject that is not repeated word for word in the present bill.

Mr. WINGO. Was it finally decided that under the present current law payments into the Treasury would be on a 60-40 basis? That is the question that the gentleman from Illinois raised—that the pending proposition covers the next fiscal year. The proposition raised by the gentleman from Illinois is, What is the present practice with reference to the same thing during the current year?

Mr. MANN of Illinois. Where the 60-40 basis is in force?

Mr. WINGO. Yes.

Mr. CRAMTON. In the current appropriation law for the current year occurs this language:

Hereafter the commissioners are authorized, under such regulations as they may prescribe, to sell the surplus products of the workhouse and reformatory. All moneys derived from such sales shall be paid into the Treasury of the United States to the credit of the United States and to the credit of the District of Columbia in the same proportions as the appropriations for such institutions are paid from the Treasury of the United States and the revenues of the District of Columbia.

Mr. MANN of Illinois. What section of the law is that?

Mr. CRAMTON. That is under the reformatory appropriation.

Mr. MANN of Illinois. Is not the same language used in this bill?

Mr. CRAMTON. It is not, both because it was made permanent law and because of the general provision which is now before us.

Mr. MANN of Illinois. Oh, yes; I see.

Mr. CRAMTON. Similar language was used, I think, in at least one other case.

Mr. DAVIS of Minnesota. This is to put them all on the same basis, to clarify it.

Mr. MANN of Illinois. No one is objecting to this provision; but what we were making inquiries about is the existing condition, as to whether it ought to be made applicable only after the 1st of July next or whether it ought to be made applicable as soon as it can be made applicable.

Mr. DAVIS of Minnesota. It ought to be made applicable at once.

Mr. WINGO. It will be more important during the next three months than it has been in the past.

Mr. CRAMTON. I agree with the gentleman from Illinois. That provision was not made in all cases during the current year and there will be some injustice in some respects.

Mr. MANN of Illinois. I do not want to lay unction to my soul, but I have always been in favor of the 60-40, although I think it is a good thing to follow whatever practice has been established.

Mr. CRAMTON. There is another provision in the current law for the Industrial Home School for Colored Children, where it is provided that all moneys shall be paid into the Treasury to the credit of the United States and the District in the same proportions as the appropriation.

Mr. MANN of Illinois. I thank the gentleman.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Minnesota. Yes.

Mr. SUMNERS of Texas. Under the plan of bookkeeping of the District of Columbia, are overflows from the items of expenditures covered into a general fund and then in turn covered from that into the Treasury, or do they go directly from each separate fund into the Treasury?

Mr. DAVIS of Minnesota. Each separate item goes into the Treasury as a distinct item.

Mr. SUMNERS of Texas. Now, in reference to the items you purpose to cover back into the Treasury, are there any funds in those items which were collected before the relative basis of taxation and contribution was different from that which it is now in the bill and that which you propose?

Mr. DAVIS of Minnesota. I could not tell the gentleman absolutely except by reference to the auditor. I could not tell the gentleman. This only applies to collections after July 1 of next year. This is a new item put in here to make it definite, but as to whether there was any surplus on items previous I could not tell the gentleman.

Mr. JONES of Texas. Will the gentleman yield?

Mr. DAVIS of Minnesota. I will.

Mr. JONES of Texas. Would there be any funds paid out of improvements or something that were acquired during the period of the 50-50 basis which would be disposed of and collections made after the 60-40 basis goes into effect?

Mr. DAVIS of Minnesota. All receipts on the 50-50 basis will go into the Treasury under the 50-50 basis.

Mr. JONES of Texas. Even though collected after—

Mr. DAVIS of Minnesota. Yes. I understand that is a provision of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I was detained and was not here when the committee had up the school item, and I will appreciate it if the gentleman will give me a little information. What provision is there now for meeting the necessary replacements of desks in schools?

Mr. DAVIS of Minnesota. Well, I think, generally speaking, that I am correct that all necessary provisions have been provided in this bill for taking care of all matters of that kind in all the schools, every single one of them, even the two new schools we are going to furnish now, the junior high, both colored and white, and I believe that every single one of them have been taken care of and will have sufficient furniture to replace the old worn-out furniture. Every estimate they made we granted.

Mr. WINGO. Take the Adams School. Is there any item for replacing the ancient furniture in that school?

Mr. DAVIS of Minnesota. There is a general supply fund that will take care of that.

Mr. WINGO. Now I will state to the gentleman the reason I ask. For a couple of years I have been questioned about the matter by patrons of that school. One of the complaints, for instance, is in the item of seats. There is not any particular anxiety in reference to the anatomy of the boys, but the mothers are very much exasperated by the necessity of repairing the seats of the trousers of those boys occasioned by splintered seats that have been there from time immemorial, and they have wanted to know if they can not be replaced, and the inference each time is that we Congressmen are derelict in our duty and we are to blame because the seats of their trousers naturally wear out from these splintered seats.

Mr. DAVIS of Minnesota. We have given an item here of \$45,000 to cover just such cases.

Mr. WINGO. Does the gentleman know whether they have made an estimate to include such repairs for that school?

Mr. DAVIS of Minnesota. They have made an estimate for all, and they can allow repairs up to the \$45,000 which we have given to them.

Mr. WINGO. We have the promise of Col. Kutz that a new furnace will be put in there. It has been needed for four years, and a good many pupils are going to have to leave that school if they can not get that during the holidays.

Mr. DAVIS of Minnesota. I think we have given sufficient funds for the commissioners to afford just such service.

Mr. WINGO. So if these necessary repairs are not made it is not the fault of the Congress?

Mr. DAVIS of Minnesota. No; it is not the fault of the Congress.

Mr. WINGO. We have not denied what they said was necessary for necessary repairs?

Mr. DAVIS of Minnesota. We have not.

Mr. WINGO. And if there is any blame attaching it is either to the school management or—

Mr. DAVIS of Minnesota. Unless they come back and say the price of material has gone up and they could not build, which is just the excuse—

Mr. WINGO. I appreciate that fact, but so far as the gentleman can anticipate the gentleman's committee has taken care of that situation?

Mr. DAVIS of Minnesota. We have endeavored to do that to the best of our ability and we understand we have.

Mr. WINGO. I want the record to show that if they do not get relief in such matters we are not to blame.

Mr. MANN of Illinois. Perhaps the gentleman from Minnesota should also tell us at the same time that the appropriation this year for furniture, etc., is \$65,000, and this bill carries an item of only \$45,000 and provides for furnishing furniture for four or five new 8-room additions to school buildings.

Mr. WINGO. Well, now, that might raise a fear in my mind that there is not anything at all for meeting such repairs—

Mr. DAVIS of Minnesota. Let me state to the gentleman there is one item of \$45,000 and there is another item of \$45,000. One is for the old buildings and there is another item of \$45,000 for the new buildings, making in all \$90,000.

Mr. WINGO. So there is \$90,000—

Mr. DAVIS of Minnesota. For new and old buildings.

Mr. WINGO. The point is, the gentleman feels sure he has met every reasonable demand and there is no complaint that his committee has not appropriated sufficient funds to make the necessary repairs to the furnace and seats in this school?

Mr. DAVIS of Minnesota. I think your committee has done that to the limit. It is our intention, and I think we have done it.

Mr. WINGO. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Sec. 8. That officers and members of the Metropolitan police and fire department of the District of Columbia and the United States park police shall be allowed increased compensation for the fiscal year 1922 in accordance with the provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1922 at one-half the rate allowed the other employees of the District of Columbia in said act.

Mr. WALSH. Mr. Chairman, I make a point of order against the section.

Mr. DAVIS of Minnesota. Will the gentleman state the ground of his point of order?

Mr. WALSH. It is legislation.

Mr. DAVIS of Minnesota. If the gentleman insists on his point of order, I will simply say that we will take care of this in the legislative bill, where it is proper for it to come in. I admit possibly it may be subject to a point of order, but your committee wanted to deal fairly and squarely with these officers, and we put it in there.

The CHAIRMAN. Does the gentleman from Massachusetts insist on his point of order?

Mr. WALSH. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Chairman, with regard to the last paragraph that was just stricken out of this bill, I desire to say that I believe we ought to do justice to these policemen and these firemen, and not in the way that was attempted to be done in this bill, by giving them half a loaf, but to treat them like we have all other employees; in other words, by giving them only half as much bonus as we give all the other employees of this District would be an injustice, as we ought to give them just as much in the way of a bonus or extra compensation as others receive. We pay almost every other employee in the District, except our policemen and our firemen, a bonus, and we attempted to pay them in this bill half of a bonus. Rather than to take them out of the bill, as was just done on a point of order—and I am put down as one of the economists of the House—rather than to take them out and not pay them any I would rather give them the whole bonus, and I hope the legislative committee that has authority to bring in such legislation will come in and make good this point of order by giving the policemen and firemen the same full measure of compensation in the way of a bonus that we give the others.

Mr. WALSH. Mr. Chairman, I reserve a point of order upon the paragraph on page 17. I would like to ask the chairman of the committee if he has satisfied himself in regard to it.

Mr. DAVIS of Minnesota. I think the gentleman from Michigan [Mr. CRAMTON] has looked that matter up, and he will explain it.

Mr. CRAMTON. Mr. Chairman, the rule provides the exception that an expenditure in continuation of appropriations for such public works and objects as are already in progress shall be in order.

The CHAIRMAN. If the gentleman will permit a moment, does the gentleman from Massachusetts [Mr. WALSH] make a point of order?

Mr. WALSH. No; I am reserving it, trying to find out something about this item.

The CHAIRMAN. The gentleman from Michigan [Mr. CRAMTON] is now discussing the parliamentary procedure.

Mr. WALSH. He is anticipating that a point of order will be made as the result of his explanation, I suppose.

Mr. CRAMTON. I dislike to have the gentleman put it in that form.

The Court of Appeals Building was authorized several years ago, and an appropriation was made. The building has been largely completed, but there is a large space on the third floor and some room in the basement that has not been finished up and completed. We have heretofore made an appropriation of \$6,000 a year for rental for offices for the register of deeds, and it seemed wise to the committee, since we had this space

available in the Court of Appeals Building, to make use of that space rather than to pay \$6,000 a year for space in a private building; and hence we recommended an appropriation of \$22,000, which we were advised would be sufficient to complete the building, and if it is made immediately available we are advised the building can be completed and made suitable for the purposes desired by the 1st of July, and the appropriation of \$6,000 for office rental would be unnecessary. I hope, in view of the very pronounced economy which the gentleman favors generally, that he will not make the point of order.

Mr. WALSH. Well, is it not a fact that the repairs to and the rebuilding of the Court of Appeals Building had been completed, the building occupied, and the money expended within the limit of cost?

Mr. CRAMTON. I am not sure as to whether the former appropriation was entirely exhausted or not. I am positive, however, that the interior of the building was not completed. Our own hearings developed the fact that much space on the third floor, as well as a portion of the basement, had not been completed.

Mr. WALSH. Has the gentleman inspected that building in order to satisfy himself that they can fit up rooms in the top there that will be suitable for the recorder of deeds?

Mr. CRAMTON. I will say to the gentleman that I have not done so personally. We questioned, I think it was, the clerk of the court of appeals when he was before the committee as to what space was available in the building, and then I have here a letter from Mr. Woods, Superintendent of the United States Capitol Building and Grounds, and it is my recollection that the building was constructed under his direction. In the letter he states, addressing the chairman of the subcommittee:

In response to inquiry from the Appropriation Committee I beg to inform you that it is feasible to construct quarters in the Court of Appeals Building for the accommodation of the recorder of deeds. That would mean the construction of offices in the attic story of the building and afford approximately 6,000 square feet of office space. In addition to this there is considerable accommodation for the storage of records in the cellar story of this building, as the latter space was originally constructed for that purpose. I think that the recorder could be fully accommodated by this method.

Perhaps the gentleman would like the full statement of Mr. Woods, and I will read the balance of the letter; although the part I have read immediately refers to his inquiry. He says:

In this connection I desire to tell you that this matter has been before the committee two or three times prior to this date. The last estimate for the purpose was made on January 20, 1919, in a letter addressed to the late Hon. Thomas S. Martin, chairman of the Senate Committee on Appropriations. The cost then stated was \$18,000. A copy of this letter I hereto attach. I have revised this estimate necessarily on account of the advanced price of labor and material, and must tell you that the present figure would reach \$22,000, and that would mean the most economical construction possible.

I would like to call your attention to the fact that the lease of the building now occupied by the recorder of deeds expires on June 30 next, if my understanding is correct. Therefore, if it is the intention of your committee to make this appropriation and provide for the recorder of deeds in the Court of Appeals Building by that date, I would suggest that it be so made as early as possible and that a provision be placed thereon making it immediately available.

Mr. WALSH. I can not understand just how they can economically and efficiently carry on the duties of the recorder of deeds by having part of the office in the top story of a building and the other part of it down in the basement.

Mr. CRAMTON. The basement part would be simply storage rooms. Of course the gentleman understands that there is elevator service now in the building in operation from the basement to the third floor.

Mr. WALSH. I did not know that they stored the records there.

Mr. CRAMTON. This Court of Appeals is a court that takes a four-months' vacation every year, so that there would be four months in which they would not disturb the recorder of deeds at all by their activities. Their docket is nearly two years in arrears.

Mr. WALSH. What has that got to do with it?

Mr. CRAMTON. Simply if you are considering the fitness and desirability of surroundings for the recorder of deeds.

Mr. WALSH. I do not see it.

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a moment?

Mr. WALSH. Certainly, I yield.

Mr. MONDELL. Several years ago, when I was a member of the Committee on Appropriations, this matter came before the committee. There seemed to be a good deal of difference of opinion in regard to the matter, and while I do not claim to be an expert on building construction, the difference of opinion was so very great that I felt it my duty as a member of the subcommittee before whom the matter came to take the trouble to make a personal investigation. I found that on the top floor of the building in question there was a space of very consider-



able size, irregular in shape, sloping toward the outer wall and rising to the rear. I have forgotten just what the space is. It is not a very large space; not large enough to accommodate a very considerable office. But I recall that at the time the sum asked to make the improvements that were said to be necessary seemed to me excessive for the space that would be made available, and the sum has been increased.

I would not want to put my judgment against that of the Superintendent of the Capitol as to the possibility of rendering available a considerable amount of satisfactory space by the expenditure of this money, but as a layman not claiming to be overfamiliar with these matters I was very doubtful, indeed, whether the space would be satisfactory for office purposes. The outer wall is comparatively low. The space is quite deep. The rear of it would always be dark. I question whether it could ever be well ventilated. I doubt if the space, after it was provided, would be satisfactory for office use, with long, narrow rooms, lighted only from one end, and with low windows at that.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CHINDBLOM. Is it not in fact an attic?

Mr. MONDELL. It is in fact an attic. It is a rather large attic, a sort of glorified attic. I do not quite understand how the architect came to leave so much space. I asked the members of the court what use the court would have for the space. I saw quite a quantity of papers filed there. They said they were using it in a limited way to store their papers; that in course of time the court would utilize all of the space for storage purposes; and that if it were used for office purposes, eventually the court would have to have some additional storage space for its documents.

Mr. WALSH. Well, Mr. Chairman, I make a point of order on the paragraph, on the ground that it is not authorized by law, and particularly that it can not be made available immediately. That is subject to a point of order; and that being subject to a point of order, I contend that the paragraph is subject to a point of order.

The CHAIRMAN. The gentleman from Massachusetts makes a point of order on the paragraph.

Mr. CRAMTON. Mr. Chairman, if the gentleman makes his point of order on the phrase, "to be immediately available," I will withdraw that portion of it.

Mr. WALSH. I make the point of order on the entire paragraph.

Mr. CRAMTON. Does the gentleman make the point of order on the words "to be immediately available"?

Mr. WALSH. No. I say I make it on the entire paragraph.

Mr. CRAMTON. Then I want to call the attention of the Chair to the language of the original appropriation:

For the erection of a fireproof addition to the courthouse of the District of Columbia, for the use of the Court of Appeals of said District, including such fireproof vaults that may be necessary to protect from destruction the papers and records of said court, and proper heating and ventilating apparatus, to be constructed under the supervision of and on plans to be furnished by the Superintendent of the Capitol Building and Grounds, and approved by the Attorney General, \$200,000 is authorized.

I urge that the appropriation here is simply for continuing the project.

The CHAIRMAN. Will the gentleman allow the Chair to ask him a question?

Mr. CRAMTON. Certainly.

The CHAIRMAN. He is reading from the statute, I presume?

Mr. CRAMTON. Yes; of 1908; section 29 of the public building act approved May 30, 1908. That was in the Sixty-third Congress.

The CHAIRMAN. Is there any mention in that act of the office of recorder of deeds?

Mr. CRAMTON. There is not.

The CHAIRMAN. It simply refers to the Court of Appeals?

Mr. CRAMTON. Yes; but we are incidentally proposing to save the Government money by housing another official there.

The CHAIRMAN. Has the gentleman completed his argument?

Mr. CRAMTON. I have completed it.

The CHAIRMAN. The Chair realizes that there is a good deal of latitude used in the matter of the continuation of work on public buildings, but in view of the fact that the law mentions that this building shall be erected for the Court of Appeals, and no mention is made of the office of the recorder of deeds, the Chair feels that the point of order is well taken, and so rules.

Mr. CRAMTON. Mr. Chairman, I offer this amendment, to insert the paragraph that I send to the desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON, page 17, line 14, after the figures "\$1,000," insert a new paragraph, as follows:

"Court of Appeals Building: For fitting up the top story and basement of the Court of Appeals Building, including material and labor and each and every item incident to such work, \$22,000, to be available immediately. This work and the expenditure of this sum shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds."

Mr. WALSH. Mr. Chairman, I make a point of order against the paragraph.

The CHAIRMAN. The gentleman from Massachusetts makes a point of order against the paragraph.

Mr. WALSH. The amendment does not indicate that it is for the continuation of a public work already begun, or that it is within the amount authorized heretofore for the completion of any public work of construction or building. It is entirely a new project. It is not authorized.

The CHAIRMAN. Will the gentleman allow the Chair to ask the gentleman from Michigan a question? As the Chair followed the reading of the amendment, it was the same as the original paragraph, with the exception of the words—

To provide accommodations for the office of the recorder of deeds.

Mr. CRAMTON. Substantially so; yes. As the paragraph stands which I have offered it is to complete a Government building. In other words, it is strictly within Rule XXI, paragraph 2, in that it is a continuation of a public work in progress. I will state that I recognize that the words "to be immediately available" are subject to a point of order, and if the gentleman from Massachusetts [Mr. WALSH] insisted on that I would offer the paragraph without those words; but I take it that if the paragraph is sustained on other grounds the gentleman would not object to those words under the circumstances.

Mr. WALSH. No. But, Mr. Chairman, the language of the rule is—

Unless in continuation of appropriations for such public works and objects as are already in progress.

Now, the language of this amendment does not show that it is in continuation of a work already in progress. The language of the amendment is for fitting up something that has already been completed.

Under the construction of the gentleman from Michigan you could build on an annex to any one of these buildings. It is for fitting up the top story and basement of the building. That is not in continuation of a public work already in progress.

Mr. CRAMTON. Two or three years ago we completed the House Office Building by fitting up further offices in the attic. In the hearings before the committee on this item in the bill, in response to a question, Mr. Hodges, the clerk of the court, used this language:

On the north is a large lobby or foyer. The other portion or attic of the building has not been completed.

And the amendment before us simply provides for completing the building.

Mr. WALSH. Oh, well, I know; but the language of the rule means for completing work within a limit of cost previously authorized. Now, this calls for an additional expenditure.

Mr. MANN of Illinois. Mr. Chairman, the question raised is so old that the Chair will pardon me if I express an opinion on the subject. As I understand, there is no limit of cost on this building?

Mr. DAVIS of Minnesota. I do not know of any.

Mr. MANN of Illinois. I think the authorization was in an appropriation bill, a mere appropriation, and no separate limit of cost.

Mr. CRAMTON. That is correct.

Mr. MANN of Illinois. Now, the holdings have always been that where the Government owned a piece of ground it could buy a piece adjoining it, on the ground that that was a continuation of a work in progress. If we own a school building in the District of Columbia, we can make an appropriation for an addition to the school building. You could make an appropriation for an addition to the courthouse. That is what this was when it was made. It is in order under the rulings, because it is in continuation of a work in progress.

When we purchased additional land at St. Elizabeths Asylum it was held to be in order because it adjoined the land that formed the grounds of the asylum. If we own a building, we can provide the furniture for it. We can complete it. We can build an addition to it.

I remember one case where a building had been destroyed by fire and an item to provide a new building was held out of order, but an item to improve the old building was held in order, although it involved the construction of a new building.

I do not think there is any doubt whatever that we have the authority to make an appropriation here. The gentleman from

Michigan [Mr. CRAMTON] admitted that the language, "to be immediately available," was subject to a point of order, but I think the gentleman is in error.

Mr. CRAMTON. I hope so.

Mr. MANN of Illinois. The Committee on Appropriations has authority to bring in appropriation bills and to make an item in an appropriation bill immediately available which is an appropriation for a deficiency. The Naval Committee can not do it, because it has no jurisdiction over deficiencies. The other appropriating committees can not provide an appropriation to be immediately available, because that is a deficiency and they have no jurisdiction over deficiencies. The Committee on Appropriations has jurisdiction over deficiencies. It has jurisdiction to report a bill which makes an item immediately available. But it seems to me that the last sentence in this amendment is subject to a point of order. This legislation provides under whose jurisdiction and direction the money shall be expended. That is clearly legislation. That is not an appropriation.

The CHAIRMAN. The Chair is ready to rule. In sustaining the point of order a few moments ago made against the paragraph by the gentleman from Massachusetts, the Chair based his decision on the fact that the law authorizing the construction of the building did not contemplate or include the office of recorder of deeds. While this objection was sufficient in the opinion of the Chair to sustain the objection, the last part of the paragraph, which is evidently legislation, would have been sufficient grounds to render a similar decision had the objection been made. In the amendment offered by the gentleman from Michigan [Mr. CRAMTON] the objection on which the Chair's previous ruling was based has been removed. It seems clear to the Chair that if the completion of the building by fitting up certain portions of it, or even if an addition was contemplated, no objection could lie against the amendment, and to fortify this opinion the Chair cites paragraph 3774, Volume IV, of Hines, where "the purchase of additional ground and the erection of an addition to an existing building was held to be in continuation of a public work." Clearly, if an addition is in order, the fitting up of offices is in order, and the Chair could cite other rulings, for, as the gentleman from Illinois has said, it has been held a number of times that an addition to an authorized building is in order on an appropriation bill. The Chair feels that the objection raised because of the words "to be immediately available" is not well founded, for it would appear that the immediate rendering available of funds is within the province of the Appropriations Committee.

The last clause, however, which states "it shall be under the direction of the Superintendent of Capitol Buildings and Grounds," in the opinion of the Chair taints the entire amendment, for it is legislation on an appropriation bill, and on this count the Chair sustains the point of order.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert as a new paragraph, on page 17, line 15, the following: "Court of Appeals Building: For fitting up the top story and basement of the Court of Appeals Building, including material and labor and each and every item incident to such work, \$22,000, to be available immediately."

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman. Are there any other offices than the Court of Appeals in the Court of Appeals Building?

Mr. CRAMTON. There are not.

Mr. CHINDBLOM. Do the hearings show that the Court of Appeals requires more space?

Mr. CRAMTON. They do not.

Mr. CHINDBLOM. Then, Mr. Chairman, this seems to be a way of accomplishing the same result intended by the paragraph that was held out of order. It is to provide space for the recorder of deeds. Those who are familiar with the activities of the recorder of deeds know that it is very unwise to place the office of the register of deeds or the recorder in an attic or in any place that is not easily accessible for the people who have to do business with the office.

In the large cities and in the courthouses generally I think you will find it the uniform practice to put the recorder or register of deeds' office on the first floor and as near the entrance to the building as possible. The citizens of the community who have business with the recorder should not be put to the inconvenience of traveling to the attic of this building through the corridors of the Court of Appeals. In addition, the business of the recorder or the register is something entirely separate from that of the Court of Appeals. I submit that this amendment should be defeated.

Mr. CRAMTON. It is my best information at present that the recorder of deeds is paying a rent of \$6,000 a year on the

fourth floor of a building, and we are bringing him down to the third floor. The Government of the United States has furnished an elevator with elevator service that will enable anyone having business with the recorder to go to that office with ease and without inconvenience.

The issue is: Shall we save \$6,000 to the people of the United States. This year we want to practice the economy that we have preached and we must deny appropriations for purposes, deny the carrying on of activities that are of great benefit, simply because we have to cut down appropriations. Here is a case where we can save \$6,000 without interfering with any branch of the Government. It is an opportunity for economy without any injury to the service.

Mr. CHINDBLOM. Mr. Chairman, in view of the statement of the gentleman from Wyoming a moment ago that a member of the Court of Appeals told him that they might need this space for the use of the Court of Appeals, may we not run the risk in a short time of preventing the court from getting this space when they come in and ask for it?

Mr. CRAMTON. Yes; they might come in and ask for an additional member to the bench in order to keep up with their docket, which is one or two years behind, but as a matter of fact they take a vacation of four months annually, and I do not think in the near future Congress will listen to that appeal.

Mr. CHINDBLOM. I am glad that the gentleman has called attention to the activities of the members of the Court of Appeals, but that does not affect the availability of this space for the recorder of deeds, does it?

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WALSH. The gentleman is going to spend \$22,000 to save \$6,000 this next year?

Mr. CRAMTON. Annually.

Mr. WALSH. But the gentleman knows that if you get a recorder of deeds in there, in a poorly lighted and ill-ventilated place, it will not be long before they are clamoring for a separate building, and the saving in the end will disappear.

Mr. CRAMTON. The Superintendent of the Capitol Building and Grounds says that it is feasible and the \$6,000 a year will soon pay up the \$22,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. DAVIS of Minnesota. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Hicks, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15130, the District of Columbia appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

#### SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committee, as indicated below:

S. 4572. An act granting to the city and county of Honolulu, of Hawaii, a right of way over and across the Fort De Russy Military Reservation for the purpose of extending its sewer system; to the Committee on Military Affairs.

S. J. Res. 172. Joint resolution authorizing and directing the Secretary of War to sell a certain parcel of land known as Fort Jackson, at New Deptford, on the Savannah River, Ga.; to the Committee on Military Affairs.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DAVIS of Minnesota. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WALSH. Mr. Speaker, I demand a separate vote on the court of appeals amendment on page 17.

The SPEAKER. Is a separate vote demanded on any other of the amendments? If not, the Chair will put them en grosse. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The question is on the amendment on which a separate vote is demanded, which the Clerk will report.



The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 17, after line 14, after the figures "\$1,000," insert a new paragraph, as follows:  
 "Court of Appeals Building: For fitting up the top story and the basement of the Court of Appeals Building, including material and labor and each and every item incident to such work, \$22,000, to be available immediately."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. DAVIS of Minnesota) there were—ayes 26, noes 13.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

#### ADJOURNMENT.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Saturday, December 18, 1920, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

236. A letter from the Acting Secretary of State, transmitting a copy of a circular issued by the Nobel committee of the Norwegian Parliament respecting the proposal of candidates for the Nobel peace prize; to the Committee on Foreign Affairs.

237. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Calcasieu River from the Gulf of Mexico to the city of Lake Charles, La.; to the Committee on Rivers and Harbors.

238. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Wabash River at Hutsonville, Ill.; to the Committee on Rivers and Harbors.

239. A letter from the Secretary of the Interior, transmitting statement showing documents received and distributed during the fiscal year 1920; to the Committee on Printing.

240. A letter from the Secretary of the Treasury, transmitting from the Surgeon General, Public Health Service, report of the expenditures under the appropriation "Preventing the spread of epidemic diseases," fiscal year 1920; to the Committee on Appropriations and ordered to be printed.

241. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Department of Labor to cover salaries and expenses of the Division of Negro Economics for the period from March 4 to June 30, 1921 (H. Doc. No. 930); to the Committee on Appropriations and ordered to be printed.

242. A letter from the Secretary of the Treasury, transmitting from the Secretary of the Interior supplemental estimate of appropriation required by the Reclamation Service for the Deschutes project, Oregon (H. Doc. No. 931); to the Committee on Appropriations and ordered to be printed.

243. A letter from the Secretary of the Treasury, transmitting estimates of appropriation required for Ellis Island (N. Y.) Immigrant Station, and for operating supplies for public buildings, 1920; to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15011) authorizing the Secretary of the Interior to offer for sale the remainder of the coal and asphalt deposits in segregated mineral land in the Choctaw and Chickasaw Nations, State of Oklahoma, reported the same with an amendment, accompanied by a report (No. 1126), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RHODES, from the Committee on Mines and Mining, to which was referred the bill (S. 4565) extending the time for the doing of annual assessment work on mining claims for the year 1920 to and including July 1, 1921, reported the same without amendment, accompanied by a report (No. 1127), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15163) to determine the heirs

of deceased Indian allottees having any right, title, or interest in any trust or restricted property, etc., reported the same with amendments, accompanied by a report (No. 1129), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 12157) to amend an act of Congress approved June 30, 1913, reported the same with amendments, accompanied by a report (No. 1130), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STRONG of Kansas, from the Committee on Banking and Currency, to which was referred the joint resolution (S. J. Res. 212) directing the War Finance Corporation to take certain action for the relief of the present depression in the agricultural sections of the country, and for other purposes, reported the same with an amendment, accompanied by a report (No. 1131), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 15196) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 1128), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials are introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 15187) to provide for the health and safety of the employees of carriers by railroad subject to the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. TREADWAY: A bill (H. R. 15188) to provide for a tax of one-fourth of 1 per cent upon all moneys deposited in certain institutions; to the Committee on Ways and Means.

By Mr. HULINGS: A bill (H. R. 15189) to encourage and promote the American merchant marine, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. SNYDER: A bill (H. R. 15190) authorizing the Secretary of the Interior to issue patent to school district No. 9, Glacier County, Mont., for block 35, Browning town site, Blackfeet Indian Reservation, for school purposes; to the Committee on Indian Affairs.

By Mr. BRAND: A bill (H. R. 15191) to amend section 13 of the Federal reserve act approved December 23, 1913, providing for the discount of notes, drafts, and bills of exchange of factors; to the Committee on Banking and Currency.

By Mr. ASWELL: A bill (H. R. 15192) to authorize the appropriation of additional sums for Federal aid in the construction of post roads, and for other purposes; to the Committee on Roads.

By Mr. BLAND of Virginia: A bill (H. R. 15193) for examination and survey of Mud Creek, Lancaster County, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 15194) for examination and survey of Assateague Anchorage or Harbor, Accomac County, Va.; to the Committee on Rivers and Harbors.

By Mr. CALDWELL: A bill (H. R. 15195) to amend section 24b of an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: A bill (H. R. 15196) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House and ordered printed.

By Mr. RAKER: Joint resolution (H. J. Res. 419) instructing the Attorney General to institute certain suits, etc., and for other purposes; to the Committee on the Public Lands.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 420) to amend the Code of the District of Columbia relating to the compensation to be received by the deputy United States marshals in and for the District of Columbia; to the Committee on the Judiciary.

By Mr. BEGG: Joint resolution (H. J. Res. 421) repealing the tariff act of October 3, 1913, commonly known as the Underwood tariff measure, and reenacting the act of August 5, 1909, commonly known as the Payne tariff measure; to the Committee on Ways and Means.

By Mr. MASON: Resolution (H. Res. 619) regarding conditions in Ireland; to the Committee on Foreign Affairs.

By Mr. McFADDEN: Resolution (H. Res. 620) providing for the consideration of Senate joint resolution 212; to the Committee on Rules.

By the SPEAKER: Memorial of the Legislature of the Territory of Hawaii, favoring the immediate passage of House bill 13500, a bill to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian Homes Commission; to the Committee on the Territories.

Also, memorial of the Legislature of the Territory of Hawaii, transmitting certified copies of house concurrent resolutions 5, 18, and 19, which were adopted by the Legislature of the Territory of Hawaii at a special session thereof that commenced November 24, 1920; to the Committee on the Territories.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 15197) granting a pension to Vernon Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15198) granting a pension to Rachel B. Ruddick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15199) granting a pension to Ralph England; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15200) granting a pension to Nancy Ault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15201) granting a pension to Fannie E. Tinker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15202) granting a pension to Mary A. Leighton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15203) granting an increase of pension to Belle Morrison; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 15204) granting an increase of pension to Charles S. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15205) granting an increase of pension to Cora A. Trueblood; to the Committee on Invalid Pensions.

By Mr. DALE: A bill (H. R. 15206) granting a pension to Catherine Celley; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 15207) granting a pension to Louise H. Thornton; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 15208) to extend the provisions of the retirement law for the Lighthouse Service to include Hiram L. Curry, a former employee of the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FIELDS: A bill (H. R. 15209) granting an increase of pension to Mary F. McGill; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 15210) granting a pension to Elizabeth Dulhagen; to the Committee on Invalid Pensions.

By Mr. MCKENZIE: A bill (H. R. 15211) granting a pension to Angie Page; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 15212) granting a pension to Pauline McEuen; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 15213) granting an increase of pension to James W. Fisher; to the Committee on Pensions.

Also, a bill (H. R. 15214) granting an increase of pension to Hallie Turner; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 15215) granting a pension to James G. Shockley; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 15216) for the relief of Andrew Browning Atwell, alias Andrew Browning; to the Committee on Military Affairs.

By Mr. IRELAND: Resolution (H. Res. 618) to pay six months' salary and funeral expenses of Bryan H. Morse; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4575. By the SPEAKER (by request): Petition of St. Brendan Society of Greater Boston, protesting against the British atrocities in Ireland, and Guardians of Liberty of the City of Philadelphia, Pa., protesting against the passage of the Burke resolu-

tion regarding the recognition of Ireland; to the Committee on Foreign Affairs.

4576. By Mr. BURROUGHS: Petition of N. B. Dearborn, Charles H. Chambers, Freeman F. Elkins, Charles F. Pickering, C. T. Tayler, and John Ames, of Meredith, N. H., for the monthly payment of pensions; to the Committee on Invalid Pensions.

4577. By Mr. DYER: Petition of Century Electric Co., St. Louis, Mo., favoring House bill 11984, Patent Office force and salaries; to the Committee on Patents.

4578. Also, petition of W. T. Ravenscroft, St. Louis, Mo., favoring bill postponing assessment work on mining claims; to the Committee on Mines and Mining.

4579. Also, petition of F. J. Cunningham, Edwin Bonnett, and Frederick R. Cornwall, St. Louis, Mo., favoring Sheppard-Towner bill; to the Committee on Education.

4580. Also, petition of St. Louis Screw Co. and Columbia Transfer Co., St. Louis, Mo., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

4581. Also, petition of Simmons Hardware Co., urging passage of budget law; to the Select Committee on Budget.

4582. By Mr. EVANS of Nebraska: Petition of sundry citizens of Wausa, Knox County, Nebr., favoring the passage of House bill 10925 and Senate bill 3259; to the Committee on Interstate and Foreign Commerce.

4583. By Mr. FOSTER: Petition of Local Union No. 1077, United Mine Workers of America, of Bellaire, Ohio, favoring amnesty for political prisoners and favoring repeal of the espionage law; to the Committee on the Judiciary.

4584. By Mr. GALLIVAN: Petition of St. Brendan Society of Greater Boston, protesting against the British atrocities in Ireland; to the Committee on Foreign Affairs.

4585. Also, petition of Frank A. Hanlan, of Dorchester, Mass., favoring credit for all time served as special messenger and time served in the Army and Navy during the late war; to the Committee on Foreign Affairs.

4586. By Mr. HERNANDEZ: Petition of New Mexico Wool Growers' Association, favoring an embargo or emergency tariff on wool for one year; to the Committee on Ways and Means.

4587. By Mr. IRELAND: Petition of various citizens of Peoria, Ill., opposing the establishment of a Federal department of health; to the Committee on Interstate and Foreign Commerce.

4588. By Mr. KIESS: Petition of sundry women of Wellsboro, Pa., favoring the passage of House bill 10925; to the Committee on Interstate and Foreign Commerce.

4589. By Mr. MURPHY: Memorial of Local Union No. 1962, of Rayland, Ohio, praying for amnesty for political prisoners and the repeal of the espionage law; to the Committee on the Judiciary.

4590. Also, memorial of Bridgeport (Ohio) Service Star Legion, praying for the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

4591. By Mr. O'CONNELL: Petition of Ajax Rubber Co., of New York, favoring increased salaries in the Patent Office; to the Committee on Patents.

4592. Also, petition of Atlantic Deeper Waterways Association, Philadelphia, regarding a trunk-line waterway system along the Atlantic seaboard from Maine to Florida; to the Committee on Rivers and Harbors.

4593. Also, petition of the T. H. Symington Co., of New York, favoring the passage of the Patent Office increased salaries bill; to the Committee on Patents.

4594. Also, petition of Cushman & Denison Manufacturing Co., of New York, favoring the passage of a daylight-saving law; to the Committee on Interstate and Foreign Commerce.

4595. By Mr. SNYDER: Petition of Women's Catholic Club of Utica, N. Y., indorsing the Sheppard-Towner bill and urging speedy enactment of the same; to the Committee on Interstate and Foreign Commerce.

4596. By Mr. TAGUE: Petition of the Current Topics Club, of Dorchester, Mass., protesting against the inclusion of national parks and monuments in the provisions of the Federal water-power bill; to the Select Committee on Water Power.

4597. Also, petition of Quimby & Cheney (Inc.), Boston, Mass., favoring amendment of the income-tax laws; to the Committee on Ways and Means.

4598. Also, petition of E. B. Badger & Sons Co., Boston, Mass., and C. Stohn, of Hyde Park, Boston, Mass., favoring the Patent Office life-saving bill; to the Committee on Patents.

4599. By Mr. TINKHAM: Petition of the National Order of the Daughters of Isabella, of Roxbury district, Massachusetts, opposing the passage of the Smith-Towner bill; to the Committee on Education.